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BEFORE THE ARIZONA CORPORATION COMMISSION

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Commissioner

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IN THE MATTER OF THE COMPLAINT OF
ESCHELON TELECOM OF ARIZONA, INC.
AGAINST QWEST CORPORATION

DOCKET NO. T-03406A-06-0257
T-01051B-06-0257

NOTICE OF FILING REBUTTAL
TESTIMONY OF JILL MARTAIN,
RENEE ALBERSHEIM, JEAN L.
NOVAK AND TERESA K. MILLION

Please take notice that Qwest Corporation hereby files the Rebuttal Testimony of Jill Martain, Renee Albersheim, Jean L. Novak and Teresa K. Million, copies of which are attached, with associated exhibits.

The confidential versions of the Rebuttal Testimonies of Jill Martain and Jean Novak are being transmitted to the Administrative Law Judge and to the Parties who have executed the Protective Agreement.

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Arizona Corporation Commission
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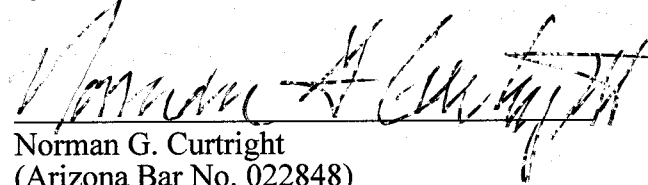
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1 RESPECTFULLY SUBMITTED this 13th day of February, 2007.

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7 Copy of the foregoing hand-delivered
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Diane Hyman

BEFORE THE ARIZONA CORPORATION COMMISSION

JEFF HATCH-MILLER

Chairman

WILLIAM MUNDELL

Commissioner

MIKE GLEASON

Commissioner

KRISTIN MAYES

Commissioner

GARY PIERCE

Commissioner

**IN THE MATTER OF THE COMPLAINT OF
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**) DOCKET NO. T-03406A-06-0257
) DOCKET NO. T-01051B-06-0257**

REBUTTAL TESTIMONY

OF

JILL MARTAIN

ON BEHALF OF

QWEST CORPORATION

FEBRUARY 13, 2007

Public Version

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I. IDENTIFICATION OF WITNESS

Q. PLEASE STATE FOR THE COMMISSION YOUR NAME, ADDRESS AND OCCUPATION.

A. My name is Jill Martain and I am currently employed by Qwest Corporation as a Manager for Process Management. My business address is 250 E. 200 South, Salt Lake City, Utah.

Q. ARE YOU THE SAME JILL MARTAIN THAT FILED DIRECT TESTIMONY ON AUGUST 28, 2006 IN THIS PROCEEDING?

A. Yes, I am.

II. PURPOSE OF TESTIMONY

Q. PLEASE STATE FOR THE COMMISSION YOUR REASON FOR THIS TESTIMONY.

A. I am responding to the testimony of Ms. Pamela Genung of the AZ Staff. Most of my testimony is to clarify inaccuracies in Ms. Genung's testimony; however, I also make additional points in response to her testimony.

III. REBUTTAL OF THE ARIZONA COMMISSION STAFF

Q. PLEASE PROVIDE YOUR OVERALL ASSESSMENT OF THE AZ STAFF'S TESTIMONY.

A. The Staff's testimony, in effect, argues that Qwest has an obligation to utilize Version 1 of the Expedites and Escalations process, because it was the process in place at the time Eschelon opted into its interconnection agreement (ICA) with Qwest in calendar year 2000. Despite this, the Staff goes on to state that Eschelon should be able to take advantage of changes made to the Expedites and Escalations process in the Change Management Process (CMP) that Eschelon likes. For example, Version 6 of the Expedites and Escalations

1 process documented that expedites would be allowed for Medical Emergencies.
2 Moreover, two additional scenarios were added to the process at Eschelon's
3 request (Version 22). At the same time, Staff is recommending that Qwest not
4 be able to take advantage of Versions 27 and 30 also approved in the CMP.

5 Thus, Staff recommendations are internally inconsistent. On one hand, they
6 recommend authorizing certain changes to the Expedites and Escalations
7 process even though they were created in the CMP. On the other hand, they
8 recommend against Versions 27 and 30 because they were implemented in the
9 CMP.

10 Eschelon is the most active participant in the CMP. They recommend and utilize
11 process changes in the CMP all the time. Their actions and involvement in the
12 CMP show that the processes modified in their ICA have been modified time and
13 again in the CMP. The argument that the Expedites and Escalations process
14 underlying Eschelon's ICA has been rendered static since the signing of the ICA
15 is belied by the record evidence.

16 **Q. DESCRIBE CRITICAL CHANGES MADE TO THE EXPEDITES AND**
17 **ESCALATIONS PROCESS IN THE CMP, BEGINNING WITH VERSION NO. 1.**

18 **A.** Many changes have been made to the Expedite PCAT. As illustrated below, the
19 documentation started with getting the existing process documented externally,
20 then went on to add many clarifications (not process changes) in an effort to get
21 the undocumented process clarified in more detail. In conjunction with the
22 clarifications, actual process changes were implemented through the CMP.

23 Version 1 of the PCAT was created because the expedite process was not
24 documented anywhere for the CLEC community and current procedures needed
25 to be described. Version 1 was to document an already existing undocumented
26 process that was in place and had been utilized by Qwest for some time.

1 As with all processes that evolve in the CMP, Version 6 (that added additional
2 clarifying information on how to expedite a request) and Version 8 (further
3 clarifying how expedites were to be processed) were submitted to add more
4 clarity on how the process at that time was to be followed. Eschelon was very
5 involved in documenting the process externally, further solidifying that Eschelon
6 agreed that the CMP was the place to update and make changes to the expedite
7 process.

8 Version 11 was the first substantial change to the existing Expedites and
9 Escalations process. As a result of the Covad CMP CR PC021904-1¹, Covad
10 requested that CLECs pay a fee for the ability to obtain expedites for any reason.
11 The distinction between the "Expedites Requiring Approval" and the "Pre-
12 Approved Expedites" processes were created as a result. Again, Eschelon was
13 heavily involved with these discussions as illustrated through the meeting
14 minutes that are contained within the CR notes.

15 Version 17 was the next big change that automatically included Resold Designed
16 Services in the Pre-Approved Expedites process. With resold services, an
17 amendment was not required because they are automatically governed by the
18 rates, terms and conditions defined in the Retail Tariffs.

19 Version 22 added additional opportunities for the CLECs to expedite for free if
20 they were operating under the Expedites Requiring Approval Process. Qwest
21 added a condition for National Disaster and Eschelon requested and Qwest
22 agreed, to add two additional scenarios:

- 23 • Business Classes of Service unable to dial 911 due to previous order
24 activity
- 25 • Business Classes of Service where hunting, call forwarding or voice mail
26 features are not working correctly due to previous order activity where the
27 end-users business is being critically affected.

¹ See Exhibit JM-R1

1 Version 27 placed 2w/4w Analog Loops into the Pre-Approved Expedite Process.
2 This allowed customers the capability to expedite for a fee, all of the products
3 that followed the Designed Services flow (with the exception of E-911).

4 Version 30 changed the process to be in parity with Qwest's entire customer
5 base (Retail, Wireless, Interexchange and CLEC Customers), requiring all
6 customers who expedite products that follow the Designed Services Flow to pay
7 a per-day expedite fee. This change removed the capability to expedite due
8 dates on design services for free (even in emergency situations), which was
9 already in place for Qwest's other customer bases since August 2004.

10 **Q. THERE SEEMS TO BE SOME CONFUSION WITH THE FACT THAT VERSION**
11 **30 REMOVED THE CAPABILITY TO EXPEDITE DESIGN SERVICES FOR**
12 **FREE EVEN IN EMERGENCY SITUATIONS. CAN YOU CLARIFY FOR US**
13 **HOW THE DOCUMENTATION IDENTIFIES THAT IS NOT THE CASE?**

14 **A.** With the implementation of Version 30, the first paragraph of the Expedites
15 section clearly states the following:

16 Requesting an expedite follows one of two processes, depending on the
17 product being requested. If the request being expedited is for a product
18 contained in the "Pre-Approved Expedites" section below, your ICA must
19 contain language supporting expedited requests with a "per day" expedite
20 rate. If the request being expedited is for a product that is not on the
21 defined list, then the expedited request follows the process defined in the
22 "Expedites Requiring Approval" section below.

23 Staff appears to read this provision as allowing CLECs the choice of using either
24 the Expedited Requiring Approval Process or the Pre-Approved Expedites
25 process. This assumption is erroneous. I assume the confusion probably lies
26 with the fact that Qwest inadvertently overlooked the first paragraph under the
27 Expedites Requiring Approval process to remove the sentence that stated that "if
28 an amendment was not signed that the Expedites Requiring Approval Process
29 could be used." Although the first paragraph of the Expedite section and Pre-

1 Approved Expedite Process section was appropriately updated, a modification to
2 the later paragraph was inadvertently missed. However, the CLEC community
3 understood without a doubt the intent of the change associated with Version 30.

4 In a later CMP notification, Qwest identified that this particular paragraph was not
5 updated. As a result, Qwest issued a Level 1 notice to make the following
6 paragraph consistent with the paragraph shown above. The PCAT now states:

7 **Expedites Requiring Approval**

8 For products not listed in the Pre-Approved Expedite section below, (non-
9 designed products such as POTS, Centrex or DSL service) the following
10 expedite process applies. Expedite charges are not applicable with the
11 Expedites Requiring Approval process.

12 Thus, Qwest made a prompt change to clarify that Expedites Requiring Approval
13 process was not available for design services (other than E-911 as stated
14 above). There was no CLEC opposition to this Qwest Level 1 notice.

15 **IV. DESIGNED SERVICES VERSES NON-DESIGNED SERVICES**

16 **Q. WHAT IS THE DIFFERENCE BETWEEN THE PROVISIONING OF A NON-**
17 **DESIGNED/POTS SERVICE AND A PRODUCT THAT FOLLOWS THE**
18 **DESIGNED SERVICES PROCESS FLOW?**

19 **A.** Products that follow the Non-Designed Services flow are usually POTS (Plain
20 Old Telephone Service) type requests. Examples of these requests are basic
21 residential, business or centrex type services. These products do not require
22 special engineering and in many instances, can be installed without a technician
23 even being dispatched.

24 Products that follow the Designed Services Flow are more complex. They have
25 additional engineering requirements, and in some cases, require that special
26 equipment be installed in order for the circuit to work. Examples of these

1 products are DS1, DSO, ISDN and DSS Trunks, as well as all forms of
2 unbundled loops. These products require additional attention and are tested and
3 turned up with coordination between the CLEC and Qwest before the circuit is
4 accepted for billing.

5 **Q. WHAT IS THE RELEVANCY IN THIS CASE BETWEEN A PRODUCT THAT**
6 **FOLLOWS THE DESIGNED SERVICES FLOW AND ONE THAT DOES NOT?**

7 A. The relevancy is the circuit at issue for the named customer is a DS1 service,
8 which is included as one of the products in the Pre-Approved Expedite Process.
9 DS1 products do not qualify for expedites under emergency situations; they
10 qualify as a product that provides expedites for a fee. In Staff's testimony on
11 page 23, lines 10-15, Ms. Genung suggests that modifications made to the
12 process in Versions 27 and 30 were confusing because of references to 2-wire
13 and 4-wire analog loops. For reasons I will express below, given Eschelon's
14 extremely active role in the CMP, this should not have created confusion for
15 Eschelon; indeed, Qwest utilized the process that has been agreed to and
16 implemented in the CMP since day-one to effect these changes. Even more
17 fundamentally, however, the customer at issue in this case did not order a 2w/4w
18 analog loop, but a DS1 Capable Loop. It is unquestioned that there was never
19 any confusion about this high-capacity design service.

20 In addition, Ms. Genung states on Page 25, Line 23 that the DS1 in question
21 should have been expedited under the Expedites Requiring Approval process as
22 a "medical emergency". As referenced in Jean Novak's testimony, the named
23 customer did not present a medical emergency. Even for a retail customer, this
24 would have been processed as a request that incurred a per-day expedite fee,
25 irrespective of whether it was a medical emergency or a customer disconnect in
26 error. As I described above, emergency conditions for free were removed either
27 at the time the CLEC signed an amendment or when Version 30 was

1 implemented for the remaining customers. Retail customers have been working
2 under this premise since 2004.

3 **Q. WAS THE INTENT WITH THE IMPLEMENTATION OF VERSION 11 OF THE**
4 **EXPEDITE PROCESS TO DELINIATE BETWEEN NON-DESIGNED**
5 **SERVICES AND DESIGNED SERVICES?**

6 A. With Covad's Change Request, requesting expedites for a fee², Qwest was
7 looking at the expedite process across the board for all products (Designed and
8 Non-Designed Services). Version 11 of the Expedites and Escalations process
9 was the first process that differentiated between "Expedites Requiring Approval"
10 and "Pre-Approved Expedites." As implemented, the "Expedites Requiring
11 Approval" process applied to all to POTS services and Designed Services where
12 a CLECs ICA did not contain the \$200 a day rate. Qwest expedited these
13 services at no cost so long as (1) the request met various enumerated
14 emergency conditions, and (2) Qwest had sufficient staff available to expedite the
15 order. As implemented, the "Pre-Approved Expedites" process applies to design
16 services, and – so long as the CLEC has an interconnection agreement that
17 contains a \$200/day expedite fee in it – Qwest will expedite orders for design
18 services, again so long as Qwest has sufficient staff available to expedite the
19 order. Version 11 is the first version where CLECs had the option to sign an
20 amendment for expedites for the \$200 per day fee. When a CLEC signed an
21 amendment, the "reasons" an expedite was requested was no longer necessary
22 and expedites for free under emergency situations were no longer an option.
23 This was discussed with the CLECs through the CMP ad-hoc meetings
24 associated with Covads CR.

25 With the initial deployment of the Pre-Approved Expedite process in Version 11,
26 Qwest continued to have discussions internally to see if it was feasible to have
27 Non-Designed Services included the Pre-Approved Expedite Process. It was

² See Exhibit JM-R1

1 later determined that Qwest would not be able to implement this change in a non-
2 discriminatory manner and it is a coincidence at this point that the Pre-Approved
3 process ended up being solely for products that follow the designed services
4 flow.

5 **Q. ON PAGE 36 OF MS. GUNUNG'S TESTIMONY, STAFF STATES THAT**
6 **VERSIONS 27 AND 30 OF THE EXPEDITE AND ESCALATIONS PROCESS**
7 **DENIED ESCHELON THE ABILITY TO OBTAIN AS EXPEDITE WITHOUT AN**
8 **AMENDMENT TO THEIR ICA. HOW DO YOU RESPOND?**

9 **A.** Staff's conclusion that Qwest breached the Eschelon ICA appears to be
10 premised on the mistaken conclusion that Echelon could not expedite orders
11 without an amendment to their ICA. This is simply inaccurate. Eschelon can
12 expedite all POTS services when Emergency Conditions exist, as defined in
13 Version 1 of the Expedites and Escalations process created in the CMP. This
14 would not require a change in their ICA. However, to obtain expedites of any
15 design service, meaning any unbundled loop, Eschelon needed to amend their
16 ICA with Version 30 to include a provision agreeing to pay \$200/day. Thus, the
17 provisions of their ICA stating that Eschelon can expedite orders continues to
18 have teeth and meaning even after Versions 27 and 30 of the process were
19 implemented.

20 **V. DEVELOPMENT OF PROCESSES IN CMP TO EXPEDITE ORDERS**

21 **Q. ARE THERE OTHER VERSIONS OF THE EXPEDITE AND ESCALATIONS**
22 **OVERVIEW BUSINESS PROCEDURE THAT YOU ARE BELIEVE ARE**
23 **RELEVANT TO THIS CASE?**

24 **A.** Outside of Version 27 and Version 30 that have been discussed, Versions 8, 17,
25 22 and 24 are also of importance. Eschelon took advantage of the changes to
26 the Expedites and Esclations process implemented in CMP through these
27 versions, well after executing their ICA in mid-2000. Some of these changes

1 were also Level 3 changes made through the Commission-approved CMP
2 process. They illustrate how processes evolve through CMP after an initial CR
3 has been implemented and show how the CLECs were in agreement with the
4 additional changes that were made. They also illustrate how Eschelon
5 considered the Expedites and Escalations process as one that could be modified
6 in the CMP.

7 **Q. PLEASE DESCRIBE WHAT DISCUSSIONS TOOK PLACE IN THE CMP AS IT**
8 **RELATES TO THOSE VERSIONS.**

9 A. Version 8 was originally issued as a Level 2 notice (changes or updates to an
10 existing undocumented process) to add more clarification on how the CLEC
11 submitted the request and how the request is handled once Qwest receives the
12 expedite. Eschelon objected to the notice as a Level 2 notice and officially
13 requested a Change to Disposition to a Level 4, as Eschelon believed the
14 proposed change constituted a major effect on their operating procedures³. As
15 a result, the changes were discussed in more detail during the April 2004 CMP
16 monthly meeting and Version 8 was reissued, again, as a Level 2 notice, through
17 agreement with the CLEC Community. Eschelon is well aware of its capabilities
18 to challenge notices that are sent, or request that notices be changed to a higher
19 level of notification. Eschelon did not request a change to the disposition on
20 either of the changes with Version 27 or 30, which would have shown Qwest that
21 they felt the changes were inappropriate or had a major impact to their current
22 operating procedures.

23 V22 implemented three new expedite scenarios to the Expedites Requiring
24 Approval Process. Eschelon was a key participant in these discussions bringing
25 to the table the following two scenarios that were added to this process:

³ See Exhibits JM-R2, JM-R3, JM-R4 and JM-R5

- 1 • Business Classes of Service unable to dial 911 due to previous order
- 2 activity
- 3 • Business Classes of Service where hunting, call forwarding or voice
- 4 mail features are not working correctly due to previous order activity
- 5 where the end-users business is being critically affected.

6 This is further affirmation that Eschelon is in agreement that the expedite process
7 is one that can and should be modified through the CMP. .

8 V24 also had no actual discussion in CMP. This change, again, created a benefit
9 to the CLECs, reducing the overall costs associated with expediting service
10 requests that follow the Pre-Approved Expedite Process. There were no issues
11 associated with implementing this change with the CLECs. .

12 Version 17, which included Resold Designed Services into the Pre-Approved
13 Expedite Process, and Version 24, which changed the way Qwest billed expedite
14 charges on Designed Services, were changes made to the expedite process that
15 were not associated with the Covad CMP CR requesting expedites for a fee.
16 These two versions represent examples of changes made through the CMP as
17 part of a processes ongoing evolution, which also had a moderate affect on
18 CLEC operating procedures, much like Version 27 and 30.

19 **Q. WAS THE ISSUE OF CLEC DISCONNECTS IN ERROR DISCUSSED IN ANY**
20 **OF THOSE MEETINGS?**

21 **A.** During the Ad-hoc meeting held on January 6, 2005, regarding Covad's CR it
22 was discussed with the CLEC community that CLEC disconnects in error were
23 not included in the Expedites Requiring Approval Process. During the meeting,
24 VCI asked "what happens if a customer is disconnected in error and it is the
25 CLECs error?" Qwest advised this would be handled as a new LSR with
26 standard interval. Thus, any time a CLEC disconnected a line in error it was not
27 eligible for expedite as part of the Expedite Requiring Approval Process. As the
28 Staff correctly recognized, the DS-1 Capable Loop at issue in this case was

1 disconnected in error by Eschelon; therefore, it was not eligible for an expedite
2 under the Expedite Requiring Approval Process. This was true dating back to
3 Version 11 of the process. Thus, even if Version 11 of the Expedite and
4 Escalations Process were in place in March 2006, the DS1 Capable Loop at
5 issue in this case would not have been eligible for an expedite.

6 This is also in parity with Retail processes.

7 **Q. DID ESCHELON PARTICIPATE IN ANY OF THOSE DISCUSSIONS?**

8 A. Yes. Eschelon was present and participated in the meeting where this issue was
9 discussed. Eschelon never complained, or took issue with the fact that a CLEC
10 disconnect in error did not qualify to be expedited.

11 **Q. WOULD AN EXPEDITE REQUEST FOR A CLEC CAUSE DISCONNECT IN**
12 **ERROR HAVE BEEN GRANTED PRIOR TO THE IMPLEMENTATION OF**
13 **VERSION 30 FOR EITHER A DESIGNED OR NON-DESIGNED SERVICE?**

14 A. CLEC disconnects in error have never been a scenario that is listed in the
15 Expedites Requiring Approval process, nor the process that was reinforced with
16 the implementation of Version 11. Disconnects in error due to Qwest caused
17 reasons is the only valid condition that exists. This is also true for Qwest's Retail
18 customers. The Retail Due Dates POTS/Non-Designed process states that "an
19 expedite will **only** be granted if the disconnect in error is Qwest generated."⁴

20 An expedite request for a CLEC caused disconnect in error is granted under the
21 Pre-Approved Expedite process for a fee due to the fact that a "reason" is not
22 required when an expedite is requested under this process.

⁴ See Confidential Exhibit JM-D4 from my direct testimony filed on August 28, 2007.

1 Q. STAFF SEEMS TO TAKE ISSUE WITH THE FACT THAT VERSIONS 27 AND
2 30 OF THE PROCESS WERE BEING CONSIDERED SIMULTANEOUSLY. IS
3 IT UNCOMMON FOR MULTIPLE VERSIONS OF A BUSINESS PROCEDURE
4 OR PCAT TO BE OUT FOR CLEC COMMENT AT THE SAME TIME?

5 A. As a course of documenting updates, it is not unusual for multiple changes to be
6 in process at any given time. These changes may or may not ultimately be
7 implemented (for instance, if a notice is retracted or a change to disposition is
8 requested that delays the initial implementation date). Therefore, CMP standard
9 practice is to show the proposed changes based upon the current production
10 Version of a process, not a Version that is being considered.

11 This was the case with the implementation of Version 27 and Version 30.

12 Some PCATS don't have as much activity as the Expedites and Escalations
13 Overview does, such as a product specific PCAT. In those circumstances, there
14 are not many occurrences of overlapping CLEC notifications. There are other
15 PCATs that have similar activity with multiple versions out for CLEC comment at
16 one time. Two other examples would be the Ordering Overview and the
17 Provisioning and Installation Overview⁵. The reasons that these PCATS have a
18 higher amount of notices going on at the same time is due to the fact that these
19 PCATS, like the Expedite and Escalations Overview, have multiple processes
20 within them that have the potential to change. Anyone that participates in the
21 CMP with some frequency – such as Eschelon – is well aware of this fact.
22 Indeed, it is striking that Eschelon has not argued confusion in its own testimony.

⁵ See Exhibit JM-R6 and also the Qwest Wholesale Website History Logs at the following locations:
<http://www.qwest.com/wholesale/clecs/ordering.html>
<http://www.qwest.com/wholesale/clecs/provisioning.html>

1 Q. CAN YOU DESCRIBE THE TIMELINES ASSOCIATED WITH THE
2 IMPLEMENTATION OF VERSION 27 AND VERSION 30, INCLUDING AN
3 EXPLANATION OF WHY 2W/4W ANALOG LOOPS WERE STILL SHOWING
4 ON THE RED-LINED DOCUMENT ASSOCIATED WITH VERSION 30?

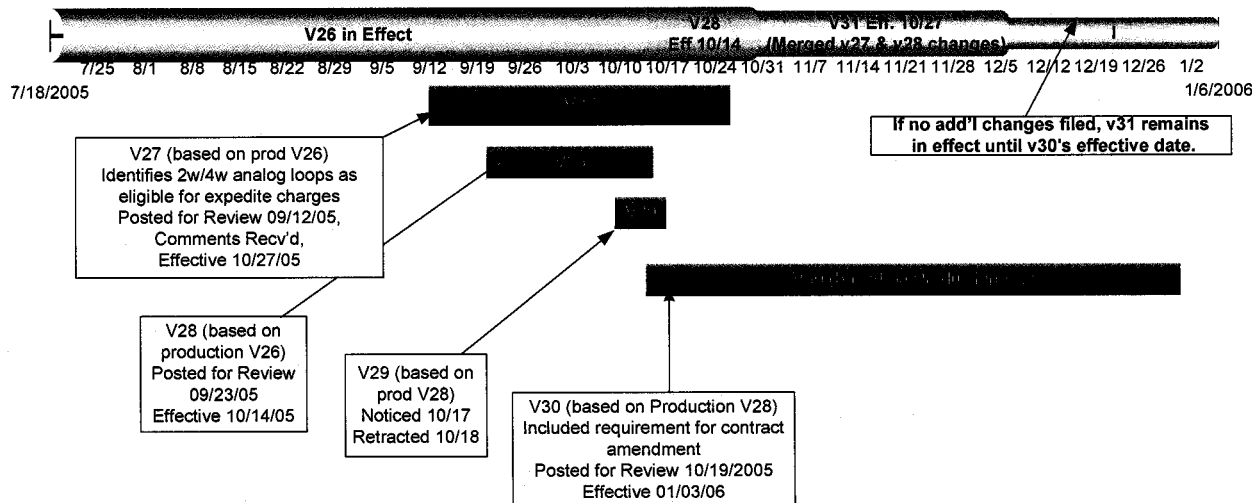
5 A. The CMP is designed to implement changes in process one at a time. The
6 purpose of the process is to obtain CLEC comments on a process change one
7 time, and one time only. Once a proposed change is in queue, new
8 recommended changes do not include the proposed change until it is finalized
9 and implemented. This ensures all parties can participate equally in CMP –
10 those that participate daily (like Eschelon) or a CLEC that only cares about one
11 process change. This also ensures that comments do not need to be repeated
12 time and again in the CMP – comments are only obtained on a proposed change
13 one time.

14 In mid-2005, the Expedites and Escalations process went through several
15 changes simultaneously. Version 26 had been in effect for some period of time;
16 however, Versions 27, 28, and 29 were all being discussed simultaneously, and
17 Versions 27, 29 and 30 were all discussed simultaneously. The picture below
18 provides a timeline of the changes that were made to the Expedites and
19 Escalations Overview from Version 27 to Version 306. Version 27 of the
20 document included the change to make 2w/4w analog loops eligible for expedite
21 payments and was distributed for CLEC comment based upon V26 that was in
22 effect at that time. Version 27 was scheduled to become effective on 10/27/05.
23 V28 then went out for CLEC comment, again based up V26 that was still in
24 effect. V28 was scheduled to become effective on 10/14 (which was prior to
25 Version 27 based upon the required notification timelines). V29 was also issued
26 based upon V26 that was in effect and was later retracted. Because Version 28

⁶ See Exhibit JM-R7

became effective prior to Version 27, Version 31 was issued to merge the Version 27 changes with the Version 28 changes.

Meanwhile Version 30, which added language requiring an amendment to address expedites, had been created. Because Version 30 was created before Version 27 had taken effect, it did not include the Version 27 language per CMP practice (again, changes were made upon V26 that was in effect at that time). The Version 30 changes were incorporated into the version that went into production on 1/3/06.



Q. HAS ESCHELON TAKEN ADVANTAGE OF ANY OF THE CHANGES THAT RELATE TO EXPEDITES THAT WERE DEVELOPED THROUGH THE CMP?

A. Eschelon has received expedite approvals based upon the new scenarios that were added with the Version 22 changes (referenced above), which were effective June 16, 2005. These are changes that Eschelon requested that were implemented after Eschelon signed their ICA, which further illustrates how

1 Eschelon agrees and takes full advantage of the expedites process that has
2 changed through the CMP since the implementation of their existing ICA⁷.

3 **Q. IN REGARDS TO THE CMP PROCESS, DO CLECS HAVE THE**
4 **OPPORTUNITY TO PROVIDE INPUT INTO A PROCESS CHANGE AS IT**
5 **RELATES TO A LEVEL 3 PROCESS NOTIFICATION?**

6 A. CLECs have different avenues through the CMP that provide them the
7 opportunity to provide input into process changes. In the case with Version 30,
8 the CLECs did request an ad-hoc call, which Qwest scheduled to walk through
9 the changes in an effort to help educate the CLECs on the reasons for the
10 change and how it would affect them from a business perspective. CLECs can
11 also request a change to disposition to a higher level, providing another
12 opportunity for CLEC input.

13 **Q. DID ANY OF THE CLECS THAT SUBMITTED COMMENTS OR ATTENDED**
14 **THE AD-HOC MEETING THAT DISCUSSED THE CHANGES ASSOCIATED**
15 **TO VERSION 30 REQUEST A CHANGE TO DISPOSITION ON THE LEVEL 3**
16 **NOTIFICATION?**

17 A. CLECs have the opportunity to request a change to disposition when they feel
18 that the Level 3 change that is being proposed is outside the scope of a Level 3
19 process change or if they feel that the process change has a major effect on
20 existing CLEC operating procedures. Clearly, this was not the case with the
21 process change associated with the implementation of Version 30 as there were
22 no CLECs that challenged the Level 3 process notice.

⁷ See Exhibit JM-R8

1 Q. DID ANY CLECS INDICATE TO QWEST THROUGH THE CMP THAT THE
2 PROCESS CHANGES THAT WERE IMPLEMENTED WERE IN DIRECT
3 CONFLICT WITH THEIR ICA?

4 A. The only CLEC who to my knowledge has disputed Version 30 in any way is
5 Eschelon, who filed this complaint, and that dispute was not made as part of the
6 CMP process and was not made until after the situation occurred that related to
7 [named customer]. Moreover, as the testimony of Renee Albersheim states,
8 there is no conflict between Versions 27 and 30 of the process and Eschelon's
9 current ICA; indeed, they are in complete harmony.

10 Q. STAFF CLAIMS THAT "BASED ON THE PENDING OBJECTIONS BY
11 VARIOUS CLECS TO THE VERSION 30 CHANGES, THE CR SHOULD STILL
12 BE OPEN AND IMPLEMENTATION POST-PONED." HOW DO YOU REACT?

13 A. Covad's CR PC021904-1 was closed appropriately. Chapter 5 of the CMP
14 indicates that "the Change Request will be closed when CLECs determine that
15 no further action is required for that Change Request." It is the practice of Qwest
16 to close all Change Requests via the regularly scheduled CMP meetings with
17 agreement from the CLEC community. During the July 2005 CMP Monthly
18 Meeting, Qwest stated that the process associated with this change had been
19 implemented and asked if the CR could be closed. Liz Balvin (Covad) advised
20 the CR could be closed and there was no additional opposition from the rest of
21 the CLEC community, including Eschelon. If Eschelon wanted to keep Qwest
22 from closing the CR, all they had to do was raise objection at the July 2005 CMP
23 meeting and then additional discussions would have occurred either through ad-
24 hoc meetings, Oversight Committee meetings, or the CMP dispute resolution
25 process. The changes associated with Version 30 were not part of Covad's CR;
26 they were process changes initiated by Qwest after the CMP CR was closed.

1 **Q. STAFFS TESTIMONY INDICATES THAT ESCHELON'S ICA PROVIDES**
2 **ESCHELON THE RIGHT TO EXPEDITE AND THAT QWEST REFUSED TO**
3 **EXPEDITE THEIR REQUEST. HOW DO YOU RESPOND FROM A CMP**
4 **PERSPECTIVE?**

5 **A.** From a CMP perspective, there were no changes to disposition requested, no
6 postponements requested or any disputes submitted through the CMP process to
7 alert Qwest to any perceived conflict to a CLECs ICA. Absence any of those
8 conditions existing; Qwest implemented the process changes and follows that
9 process today in accordance with the Expedites and Escalations Overview
10 PCAT. Qwest's process is not to refuse an expedite request on designed
11 services per se; rather, expedite requests for products that follow the designed
12 services flow are done so for a fee when the ICA contains language with an
13 associated per day expedite rate.

14 **Q. WHAT ARE THE IMPACTS TO ESCHEON IF QWEST WERE TO REVERT TO**
15 **SUPPORTING EXPEDITES FOR ESCHELON UNDER THE PROCESS THAT**
16 **WAS IN PLACE WITH VERSION 11 OF THE EXPEDITES AND ESCALATION**
17 **OVERVIEW?**

18 **A.** All requests for expedites would have to fall under the scenarios that were in
19 place prior to the implementation of Version 11. This would exclude the three
20 new scenarios that were implemented with V22:

- 21 • National Security
- 22 • Business Classes of Service unable to dial 911 due to previous order
- 23 activity
- 24 • Business Classes of Service where hunting, call forwarding or voice
- 25 mail features are not working correctly due to previous order activity
- 26 where the end-users business is being critically affected

1 This would continue to exclude CLEC disconnects in error. Those are only
2 granted today on products that follow the designed services flow for a fee. Thus,
3 even Eschelon does not want to revert to the process recommended by Staff.

4 **VI. CONCLUSION**

5 **Q. WILL YOU PLEASE SUMMARIZE YOUR TESTIMONY?**

6 A. Qwest utilized the CMP to establish a non-discriminatory expedite process for
7 Wholesale customers. The guidelines that are established for non-designed
8 services are in parity with Qwest's Retail customers, as is the process for
9 providing expedites for a fee for products that follow the designed services flow.

10 It is not uncommon for multiple versions of a CMP document to be out for review
11 at one time and Qwest made every effort possible to help outline the changes
12 that were being proposed. Not only does Eschelon participate in CMP to keep
13 abreast of any changes that may affect Eschelon's business, they actively submit
14 Change Requests and are a driver in many of the decisions that are made during
15 CMP meetings. Eschelon participated in the discussions at CMP that enhanced
16 the expedite process, including the addition of two new conditions that Eschelon
17 brought to the table, which were implemented with V22. Qwest should be
18 allowed to keep its existing process in place as the appropriate CMP procedures
19 were followed to implement the changes and improvements to the Expedites and
20 Escalations Overview. The CLEC community was afforded the opportunity to
21 advise Qwest at the time, or prior to the time the changes were implemented,
22 that the changes were in conflict with their ICA. This notification was never done.
23 CLECs shouldn't be permitted to pick and choose which document they wish to
24 operate from, with respect to the CMP processes and their ICA. If they choose to
25 participate in CMP and actively contribute in developing those processes, then
26 they should be required to abide by all of the terms and conditions that are
27 developed through the CMP. In this case, Eschelon shouldn't be allowed to reap

1 all of the benefits that were developed in CMP with regards to the Expedites
2 Requiring Approval Process and be allowed to avoid the charges associated with
3 Pre-Approved Expedite Process.

4 Qwest did not deny Eschelon the opportunity to expedite a service request;
5 Qwest denied Eschelon the opportunity to expedite a Designed Service request
6 for free. Eschelon continues to have the ability to expedite Non-Design Services
7 at no charge in emergency situations. Eschelon should be operating under the
8 same terms and conditions that Qwest treats all of its other customers on a non-
9 discriminatory basis.

10 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

11 **A.** Yes, at this time.

BEFORE THE ARIZONA CORPORATION COMMISSION

JEFF HATCH-MILLER

Chairman

WILLIAM MUNDELL

Commissioner

MIKE GLEASON

Commissioner

KRISTIN MAYES

Commissioner

GARY PIERCE

Commissioner

**IN THE MATTER OF THE COMPLAINT OF
ESCHELON TELECOM OF ARIZONA, INC.
AGAINST QWEST CORPORATION**

**) DOCKET NO. T-03406A-06-0257
) DOCKET NO. T-01051B-06-0257**

EXHIBITS

OF

JILL MARTAIN

ON BEHALF OF

QWEST CORPORATION

FEBRUARY 13, 2007

Open Product/Process CR Detail

Report Line Number

1

CR #	Title	Date	Organization	Area Impacted	Products Impacted
		Current Status			
PC021904-1	Enhancement to existing Expedite Process for Provisioning	Completed 7/20/2005	Wholesale ProdProc	pre order, order, provisioning	UNE, Transport (including EUDIT), Loop,

Director: Bliss, Susan

Originator: Berard, John

Originator Company Name: Covad

Owner: Martain, Jill

CR PM: Harlan, Cindy

Description Of Change

Covad requests that Qwest provide a formal process to expedite an order that requires an interval that is shorter than what is currently available for the product.

No expected deliverable listed

Updated the title as a result of the Clarification call

Status History

02/20/04 CR Recieved
02/20/04 CR Acknowledged
2/23/04 - Contacted John Berard - Covad to set up Clarification Call
2/27/04 - Held Clarification call
3/17/04 - March CMP meeting notes will be posted to the project meeting section
4/21/04 - April CMP meeting notes will be posted to the project meeting section
5/12/04 - Emailed response to Covad
5/19/04 - May CMP Meeting notes will be posted to the project meeting section
6/15/04 - PROS.06.15.04.F.01792.ExpeditesV11
6/16/04 - June CMP Meeting notes will be posted to the project meeting section
7/1/04 - Scheduled ad hoc meeting for 7/9 to discuss project, comments and plan
7/9/04 - Held ad hoc meeting
7/21/04 - July CMP Meeting notes will be posted to the project meeting section
8/16/04 - August CMP meeting minutes will be posted to the database
9/15/04 - Notification for ad hoc meeting scheduled for 9-22-04
9/15/04 - September CMP Meeting minutes will be posted to the database
9/22/04 - CLEC Ad hoc meeting held to review expedite reasons / causes
10/20/04 - October CMP Meeting minutes will be posted to the database
11/17/04 - November CMP Meeting minutes will be posted to the database
12/15/04 - December meeting minutes will be posted to the database
12/16/04 - Scheduled ad hoc meeting for January 6
1/6/05 - Ad hoc meeting held
1/19/05 - Jan CMP meeting minutes will be posted to the database
2/16/05 - Feb CMP meeting minutes will be posted to the database
3/16/05 - March CMP Meeting minutes will be posted to the database
4/20/05 - April CMP Meeting minutes will be posted to the database
5/18/05 - May CMP meeting minutes will be posted to the database
6/15/05 - June CMP meeting minutes will be posted to the database
7/20/05 - July CMP meeting minutes will be posted to the database

Project Meetings

July CMP Meeting Minutes:

Jill Martain - Qwest advised that this went into effect on 6/16/05. Jill asked if it was ok to close this CR. Liz Balvin advised the CR could be closed. This CR will move to Completed Status.

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June CMP Meeting Minutes:

Jill Martain – Qwest advised that this process is effective June 16 and we would like to move this CR to CLEC Test on June 16th. There was not any objection to change the status to CLEC Test.

May CMP Meeting Minutes:

Jill Martain – Qwest advised that the PCAT documentation went out for review on May 9. The comment cycle will close on May 24 and become effective June 23, 2005. This CR will remain in Development Status.

April CMP Meeting Minutes:

Jill Martain - Qwest advised that we are working internally to get the three expedite reasons implemented. Jill stated that after meeting internally, we determined that a slight modification was needed. Qwest wants the new Expedite reasons directed to our Business Services. Jill stated that in our ad hoc calls with the CLECs, we did talk about the critical impact to Business customers. Jill recapped the criteria for use of the new Expedite reasons:

National Security

Business Services unable to dial 911 due to previous order activity

Business Service where hunting, call forwarding or voice mail features are not working correctly due to previous order activity where the customer business is being critically affected.

Bonnie Johnson - Eschelon asked if there is a definition of business services.

Jill Martain - Qwest advised it would be for more complex business and 1FB type service and this excludes residential and 1FR.

Bonnie Johnson - Eschelon asked for this to be documented.

Jill Martain – Qwest confirmed it would be changed to reflect Business Classes of Service in the actual updates.

Liz Balvin - Covad asked if the examples that Qwest looked at were based on Qwest customers.

Jill Martain – Qwest advised the examples were provided by both CLECs and Qwest and discussed in ad hoc meetings.

Liz Balvin – Covad agreed that we should provide definition of Business Services and also asked that the notice reflect that residential would not be included. Liz also confirmed that this does not affect the Expedite process that requires an amendment.

Jill Martain – Qwest confirmed that it does not impact that process. Jill advised the documentation will be updated and sent out for review. Bonnie said thank you for the good results.

This CR will remain in Development Status.

March CMP Meeting Minutes:

Jill Martain - Qwest advised that we are still working internally on this request and are hopeful that within the next month the PCAT changes will be available to review with the three additional Expedite reasons. This CR will remain in Development Status. [Comment received from Eschelon: Jill Martain - Qwest advised that we are still working on additional scenarios internally and waiting for internal approval on this request and are hopeful that within the next month the PCAT changes will be available to review with the three additional Expedite reasons.]

February CMP Meeting Minutes:

Jill Martain - Qwest advised we are still waiting for final internal approval. Qwest is hoping to have final status next month. This CR will remain in Development Status.

January CMP Meeting Minutes

Cindy Harlan/Qwest advised that an ad hoc meeting was held on January 6th. Qwest proposed adding the following as valid Expedite reasons: if access to 911 is not available, if the order is for National Security, and for certain Features in specific situations. The CLECs were receptive to these changes. Qwest has started the process to get final internal review and approval. Additional status will be provided next month. This CR will remain in Development Status.

CLEC Ad Hoc Meeting

PC021904-1 Expedite Process

January 6, 2005

In attendance:

Kari Burke – Comcast

Jeff Yeager – Accenture

Sharon Van Meter – ATT

Chris Terrell – ATT

Linda Minesola – Comcast

Amanda Silva – VCI

Jill Martain – Qwest

Wayne Hart – Idaho PUC

Kim Isaacs- Eschelon

Bonnie Johnson – Eschelon

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Pete Staze – Eschelon
Jennifer Arnold – TDS Metro
Steve Kast – MCI
Thomas Soto - SBC

Cindy Harlan – Qwest took attendance and reviewed the agenda. The purpose of this call is to discuss options for additional expedite reasons. Cindy explained that Qwest has been reviewing expedites and would like to discuss potentially having Features be considered as a valid expedite reason under certain circumstances. Qwest would like to discuss what the criteria would be and identify Features that cause major impact to the CLECs. We also can potentially add a valid expedite reason if you are unable to dial 911 service and to expedite for National Security reasons. Cindy asked the CLECs to identify what Features create the most impact to the CLECs so we can build some criteria. Cindy advised that Qwest is unable to open other reasons for expedites as we do not have the resources to support that effort.

Bonnie Johnson – Eschelon stated that she didn't think additional resources would be needed to support this. Bonnie said Eschelon's Expedite manager is on the call and she would like him to share with us the large impacting items. Pete advised that when customers are unable to receive calls this impacts them as if they are out of service. For business customers if they can't receive calls it impacts their revenue.

Jill Martain – Qwest asked if normally there would be an original order to install the service and another one to correct it. Bonnie advised yes, or something changed on one of their features, such as voice mail service, either with their vendor or the equipment, and that causes a need for an expedite. The customer may not understand what they have ordered. Jill asked if it was a fair request that Qwest ask the CLEC for the order number or PON. Bonnie advised that they normally provide this anyway and it is fair, but she does not believe it should be a requirement as there are other reasons too. Jill asked if we could better define and refine the criteria for Hunting so we can go to Retail and Network and discuss further, and publish a reason that is allowable. Otherwise we would negate the standard interval if we automatically allowed expedites on all Hunting requests. Bonnie said it should be an urgent customer situation and their service is not working the way it should be. Bonnie advised that Qwest needs to trust the CLECs request and hope that the CLECs are not abusing the process. Pete Stave – Eschelon advised there are additional steps needed to expedite an order and it is not always easy so we do not request an expedite unless it is necessary.

Jill suggested that we set criteria for this to be an 'urgent customer situation where Hunting or Call Forwarding features are not working correctly and the customer can explain why and provide a service order and/or PON'. The CLECs agreed with this criteria.

Jill asked if there were other features that need to be discussed. Amanda – VCI stated that Features don't pertain to VCI very much, but what happens if a customer is disconnected in error and it is the CLECs error. This happens a few times a month usually due to a disconnect for non payment in error. Jill advised this would need to be handled as a new LSR with standard interval. Another request was made for voice mail set up incorrectly. This can be added to a wrong number for example.

Jill agreed that the items and criteria identified should be workable. Qwest needs to review this internally and determine impacts. Status will be provided at our CMP meeting and we will plan on reviewing the draft process prior to it being published in the PCAT. Another ad hoc meeting will be scheduled at that time.

December CMP Meeting Minutes

Cindy Macy – Qwest advised that an ad hoc meeting is scheduled for January 6 to review and further define some options for expanded Expedite reasons. This CR will remain in Development Status.

11/17/04 November meeting minutes

Cindy Macy – Qwest advised that Qwest is currently reviewing the expedite process and meeting internally to determine if there are any changes that can be made to the process. This CR will remain in Development Status.

10/20/04 October CMP Meeting Minutes

Cindy Macy – Qwest advised that Qwest held an ad hoc meeting. We are reviewing the expedite reasons from the CLECs and the data gathered for potential changes. We hope to have additional information next month. Qwest will hold an ad hoc meeting to review our findings. This CR will remain in Development Status.

PC021904-1 Enhance Expedite Process
Ad Hoc Meeting
September 22, 2004

In Attendance:

Pete Stave – Eschelon □□□□ Colleen Forbes - ATT
Kim Isaacs – Eschelon □□□□ James Leblanc – McLeod
Bonnie Johnson – Eschelon □□□□ Jean Novak - Qwest Communications
Lori Nelson – Mid-Continent □□□□ Terri Lee - SBC
Donna Osborne Miller – ATT □□□□ Chris Quintruck - Qwest
Cherron Halpern - Qwest Communications □□ Rhonda Velasco – Oregon Telecom
Sue Diaz - Qwest Communications □□□ Mark Sieres – Advanced Telecom

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LeiLani Hines – MCI□□□□□Brandon McGovern–Advanced Telecom
Valerie Estorga - Qwest Communications□□Roslyn Davis - MCI
Christina Valdez - Qwest Communications□□Scott Ellefson – Qwest
John Berard – Covad□□□□□Dave Miller – Advanced Telecom
Michelle Thacker - Qwest Communications□□Lydell Peterson - Qwest
Phil Hunt – McLeod□□□□□Leti Mudlo - Qwest
Robin Jackson – Time Warner□□□□□Diane Solomonson - Qwest
Jolene Brown – Time Warner□□□□□Stacy Berg – Time Warner
Steve Kast - Qwest Communications□□□Jim Christener – McLeod
Mark Ashen Brenner – McLeod□□□□□Chris Voorhees - McLeod
Jennifer Fischer - Qwest Communications□□Diane Johnson – Qwest
Michelle Sprague – McLeod□□□□□Dawn Tafoya - Qwest Communications
Jill Martain - Qwest Communications

Cindy Macy – Qwest Communications introduced the attendees and reviewed the agenda. Cindy advised that the purpose of this call is to discuss what is causing the need to expedite. Qwest would like to identify from a CLEC perspective why they expedite. Jill Martain – Qwest added that we would like to identify for non design documentation changes and process changes that could help reduce expedites. Cindy advised that Qwest would like to hear from each CLEC represented so we can gather input and determine what changes could be made to reduce the need for expedites.

Bonnie Johnson – Eschelon advised that Qwest's appointments for new installs and moves in some states were 3 weeks out. This was due to resource issues (no technicians available). Eschelon can not give their customers a 3 weeks due date. We are expediting from a customer service perspective. This was happening in WA/CO/AZ on POTS service.

Colleen – ATT advised that when they submit their orders they have to use appointment scheduler and the date that comes back is what they have to put on their order. They will then call and expedite as the date is not acceptable for their customers. Donna Osborn Miller – ATT advised that they also engage their account teams to help.

Stacy – Time Warner advised that when the due dates is out 2-3 weeks, we have to expedite, and then Qwest wants to charge for the expedite. It is wrong for Qwest to charge for an expedite when the due date is way past standard interval.

Colleen – ATT advised many times the customer is disconnected and needs their service. The disconnect can be due to the customer moving early, an error on Qwest or the CLECs part, the order not getting processes correctly, or a jeopardy.

Bonnie Johnson – Eschelon advised specific to features, our customers have urgent needs. If their call forwarding was set up incorrectly (gave wrong number, or error in programming), and the calls are going to another number it can cause major issues. If a business forwards these calls to a residence, or if there is an emergency and the customer is not able to receive calls it causes major issues for all parties. Call Forwarding generally has a 1-3 day standard interval and a business can not lose calls for 3 days, nor can a residence customer receive calls from a business in error for 3 days. Colleen – ATT advised other LECs have same day turnaround if the order is received before 3p.m.

Jim – McLeod advised orders that are placed in jeopardy for no access are often done in error. The customer says they were available but the technician never came to the door. Then later it is determined that the technician couldn't find the building, or couldn't gain access. Sometimes the customer does give the wrong address and they are now out of service.

Robin Jackson and Stacy Berg – Time Warner advised they have lots of trouble with orders being issued incorrectly. They put information on the LSR that matches the CSR. Then the order gets rejected for address issues. They have to send it in and fix it later, and try to get a new due date. Time Warner also reported that when they build a subscription they send it in and Qwest has to release it. The 'create' needs to be done 3 days ahead and SOA has to concur. Time Warner wants to know if this is the official process. They work with the LNP team and this process is not working well. Cindy advised she will have the Service Manager contact Robin and Stacy. (robin.jackson@twtelecom.com, Stacey.berg@twtelecom.com)

Dave – Advanced Telecom advised they will get an FOC and the due date is okay. Then on the due date or the day before they will get a jeopardy notice which then needs to be expedited as they have given a due date to their customer.

Bonnie – Eschelon advised when there is an equipment install or vendor meet and we have to coordinate three companies it is very difficult and we usually have to expedite to get the companies represented and the services coordinated and installed.

Bonnie – Eschelon also advised that hunting causes an out of service condition as sometime equipments is needed or there are circular hunting issues and the calls go no where.

Pete – Eschelon advised that coordinated loops installed on LNP are complex and all parties have to be available to keep the customer service from going down.

Lori – Mid-Continent advised that if voice mail is not working the customer perceive this as their service not working. If the call forwarding number is incorrect (wrong area code and the voice messaging needs to be corrected) we have to place an order to fix the issue.

Nicki – Mid-Continent advised sometimes their customers have urgent needs related to their job or personal situation. For example, the customer could be on active duty and need service right away.

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John Berard – Covad advised if something goes wrong in the process and the customer gets disconnected in error, it could be the CLECs error, then Covad has to issue another order with a new due date. Sometimes the order is issued as a new order and it should have been a move order so the due date is different.

Dave – Advanced Telecom advised that Qwest does not reject orders consistently. They can submit 10 orders the same and on the 11th order they get a reject. The representative interprets the business rule differently and now we are a day behind. We can talk to 4 different representatives and we can get 4 different answers.

Bonnie – Eschelon confirmed that for non design the same process and charges will apply to Retail. Jill Martain – Qwest confirmed that would occur. Jill – Qwest advised our direction is to not implement a fee for expedites on non design. We are trying to understand some reasons and causes for expedites and address them from a process and documentation perspective. Bonnie advised that is great.

Nicki – Mid-Continent advised she requested an expedite for medical reasons and was asked for a doctors note. Nicki advised this is confidential information. Jill advised it is part of the process to request a note. Our centers are trying to follow the process and make sure the expedite is valid.

Colleen – ATT advised recently we had a customer that filed a PUC complaint and it was on the news so it was a huge issue that needed to be resolved. Jill advised if there are extenuating circumstances you can go through the Escalations process. This is not the norm but under special conditions we do handle escalations.

Cindy – Qwest advised our next steps are to look at the input that was received today and the process. We will determine areas that we can impact to reduce the need to expedite and provide status at the next CMP meeting. Additional ad hoc meetings may be held.

9/15/04 CMP Meeting Minutes

Cindy Macy – Qwest advised that there is an ad hoc meeting scheduled for Wednesday, September 22 to discuss the reasons for expedites. The intent is to look at the cause of expedites to determine if there are improvements that can be made to reduce the number of expedites. This process focuses on non design services. This CR will remain in Development Status.

8/16/04 CMP Meeting Minutes

Jill Martain – Qwest advised that Qwest has done additional work on this CR and determined that we won't be able to implement the same process for non design that we implemented for design. We are doing root cause analysis on the data and will determine reasons why expedites are needed. Qwest will meet with each of the CLECs after we have the data and work through the expedite reasons. John Berard – Covad asked some questions about the Expedite V14 PCAT. Jill recapped the process and advised the CLECs that if they have questions they can call her to discuss. John Berard – Covad verified if the error was caused by Qwest than there would not be a charge to expedite. Jill advised that is correct. Bonnie Johnson – Eschelon advised she tried to expedite a feature and the escalation group and Service Manager said they were not able to do this. Bonnie submitted a comment on this issue as Eschelon believes this is an existing process. Bonnie advised her definition of an existing process is if Qwest is performing the process it is an existing process. Bonnie and Jill discussed the issue and agreed that the issue was the difference between what Eschelon sees as an existing process and what Qwest views as an out of compliance. Jill told the center to go ahead and continue to handle feature expedites until we are able to resolve this issue. Bonnie appreciated this as it takes away the immediate pain to Eschelon. Bonnie advised that Eschelon has formed an internal team to review documentation against current process and previous CRs. They are focusing on DSL initially. Bonnie and Jill agreed that Eschelon should submit a CR to determine how to handle the situation when there is disagreement between when Qwest is out of compliance versus when Qwest is performing an existing process. This CR will remain in Development Status.

July 21, 2004 CMP Meeting Minutes:

Cindy Macy – Qwest advised that the team held an ad hoc meeting on July 9. During the ad hoc meeting, Jill Martain reviewed the PCAT and addressed comments on the process. Cindy advised that this process is effective July 31 in most states. The following identifies exceptions: AZ 8/5, Northern Idaho and NE 8/2, NE 8/6, WA affects only Access Services. The FCC#1 is effective July 31. Qwest will continue to work on the non design process. Additional status will be provided later. Liz Balvin – MCI advised that the clarification and the updates that were discussed helped a lot. Jill advised those updates have been made. This CR will remain in Development status.

PC021904-1 Expedite Process

Ad Hoc Meeting

July 9, 2004

10:00 – 11:00 a.m. MT

In attendance:

Eric Yohe – Qwest □ Liz Balvin – MCI
Valerie Estorga – Qwest □ Susan Lorence – Qwest
Jackie DeBold – US Link □ Steve Kast – Qwest
Teresa Castro – Vartec □ Stephanie Prull – Eschelon
Sue Lamb – 180 Comm □ John Berard – Covad
Jill Martain – Qwest □ Ann Atkinson – ATT
Julie Pickar – US Link □ Donna Osborn Miller – ATT
Cindy Macy – Qwest

Cindy Macy – Qwest reviewed the history of the CR. Cindy explained that this process was notified on June 15, 2004 and then retracted on

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June 29, 2004. Cindy reviewed the agenda and purpose of the meeting.

Jill Martain – Qwest advised the intent of the PCAT update was to address the new expedite process on design products. Currently we are not able to include non design products in the process. We will schedule additional ad hoc meetings to discuss non design products and CLEC caused error expedite situations.

Jill advised that July 31 is the tariff effective date. Interstate filings will occur next, and there are a couple states that may go a little later, but each state is in progress of getting the tariffs approved.

Liz Balvin – MCI verified V11 only impacts design services. Jill advised the list of products that are in the pre-approved section are all design products.

Jill advised there will be two processes. 'Expedites that Require Approval' (current process) and the new process 'Approved Expedite Request' for identified design services products. Jill reviewed the PCAT and process in more detail.

Stephanie Prull – Eschelon asked how Qwest will notify the CLEC when Qwest can not meet the expedited date. Jill advised that when the CLEC calls in Qwest will get the name of the person who requested the change and work with them. Stephanie asked what happens if we use the EXP field? Jill advised Qwest would send back the FOC with the PIA value. Stephanie asked if the Retail customers get charged on the 'Expedite Requiring Approval' process. Jill advised no, and neither would the CLECs, unless they sign up for the new process.

Liz Balvin – MCI asked for more clarity on the non design process. Jill advised that the Expedite Process that requires approval applies to non design services or Interconnection Agreements that do not carry the 'per day' expedite rate. Jill agreed to clarify that all non design service expedites or design services expedites if your contract is not amended, will not carry a charge. Non design products can only be expedited for the conditions listed currently. We are still trying to accommodate some CLEC reasons for non design expedites. We will continue working on this and we will have additional calls with the CLECs. Retail follows these same procedures. Jill advised we will work on this in phases.

Jill explained that when you amend your contract there are not reasons for expedites any longer. Qwest agrees to expedite and there is a charge for all expedites.

John Berard – Covad asked if there is a separate charge on design products if there is a fire. Jill advised no, the same charge applies. If Qwest causes the error than there is not a charge.

Stephanie Prull – Eschelon asked when the amendment will be available. Jill advised the target date is July 26. Stephanie asked how this new process affects resource assignment of network technicians. Jill advised we have the resources to cover expedited requests. We have performed volume forecasts. An expedited request and a regular request are equally weighted.

Jill summarized the Pre Approved Expedite process. The CLECs must amend their ICA, the estimated cost to expedite is 200.00 per day, and eligible products are identified in the PCAT.

Stephanie Prull – Eschelon advised that currently the CLECs have special reasons for an expedite that are not included in the list. The CLEC calls the center and works with Qwest to address these situations. Jill advised we need to follow our process, and we will still handle unique conditions. They may need to be escalated.

Liz Balvin – MCI asked if this will be implemented on the Access side. Jill advised the tariff target date is July 31 for Access products. Liz asked Jill to include the tariff reference in the response to comments. Jill advised the exception is the Washington tariff is not being filed at this time.

Jill reviewed the comments to make sure she had addressed the CLECs concerns in today's meeting. The CLECs agreed that the comments have been addressed during today's meeting. Jill advised she will make updates to the PCAT based on today's call.

June 16, 2004 CMP Meeting notes:

Jill Martain – Qwest advised for design product the Level 3 notification went out on June 15. For non-design we are still investigating if the process is feasible. The CR will remain in Development Status.

May 19, 2004 CMP Meeting notes:

Jill Martain – Qwest advised that Qwest will accept this CR with the caveat to implement this on a product by product basis. There may be some products that this process will not be implemented for. For those products, the old process will stay in place. There will be a cost to expedite and amendments will need to be done. The approximate cost is in the \$150.00 - \$400.00 price range. A per day improvement charge would be assessed. Jill advised that the target list of phase 1 products is included in the response. Qwest is targeting July 31 for implementation. Bonnie verified that this will apply to Retail also. Jill advised yes, and a tariff would be filed. Jill will provide an update next month. This CR will move to Development Status.

April 21, 2004 CMP Meeting notes:

Jill Martain – Qwest reviewed the response for this CR. Jill advised that Qwest would like to leave this CR in Evaluation Status as we look at individual products for expedites. Jill asked the CLEC community if they are willing to pay just and reasonable charges to expedite. Bonnie Johnson - Eschelon stated that these charges should apply to retail customers as well. Liz Balvin – MCI asked how this would work. Are the

CR #

PC021904-1

prices driven by what is on our Interconnection Agreement? Jill Martain advised there would be charges in the ICA, and the amendment would have to be written. Bonnie said they would have to be commission approved rates. Jill advised she is not the expert on this process but she believes so. Liz Balvin clarified that if the CLECs are not willing to opt in to the contract, then they would follow the process that is effective today. Jill advised yes. Bonnie advised we do have situations when we have requested an expedite and Qwest denies it. Then the end user customer goes directly to Qwest and the expedite occurs. Jill advised we will keep this perspective in mind. This CR will move to Evaluation Status.

March 17, 2004 CMP Meeting

John Berard – Covad presented the CR and explained that Qwest's Expedite Process is written based on certain situations, such as Medical Emergencies. However if the CLEC makes an error, there isn't a process to expedite for a CLEC error reason and the CLEC has to take a regular interval. We want a process to request a faster interval, and we are willing to pay for it. Eschelon supports the request and would like to understand what type of opportunities are available for our Retail customers and if they get charged for an expedite. Bonnie advised that they have had trouble getting their customer in service, and if their customer contacts our Retail organization themselves, they get service in okay. Ervin Rae – ATT advised that he has heard that Qwest leadership is in the process of reviewing our Expedite Process. Jill Martain – Qwest advised that we can take a look at all of these aspects and also review PC081403-1 as this CR is also requesting a 'Restoral Request Process'. This CR will move to Presented Status.

Clarification Meeting

February 27, 2004

1-877-552-8688 7146042#

PC021904-1 Expedite Process for Provisioning – enhancements to existing process

Attendees

John Berard – Covad
Bryan Comras – Covad
Mark Gonzales – Qwest
Heidi Moreland – Qwest
Jill Martain – Qwest
Cindy Macy – Qwest

Meeting Agenda:

1.0 Introduction of Attendees

Attendees introduced

2.0 Review Requested (Description of) Change

John Berard – Covad reviewed the change request. John explained that Covad would like the title of the CR updated, as this is really a request for an enhancement to the existing expedite process. Cindy agreed to update the CR.

John advised that the expedite process is limited today to certain types of orders and processes. For example, medical emergencies. We may find that it is Covad's error that caused the customer to be disconnected. We would like to be able to get our customers restored quicker than standard interval, when it is our error. We are willing to pay for this service. Other ILECs provide this service. We would like the criteria to be expanded to allow an expedite when the CLEC makes an error.

Cindy Macy – Qwest asked for an example of this happening today. John Berard – Covad and Bryan Comras – Covad advised this relates to the Jeopardy process. When Covad fails to complete the order, but we complete the work at the DMARC the customer has service, but we do not close out the records so Qwest doesn't think the customers service is working. Qwest issued a jeopardy notice and since we didn't respond to that notice within 30 days Qwest then cancelled the orders and the service gets disconnected. Covad then goes back and resends the order, but we have to wait the standard interval and that is too long for the end user customer to wait, especially if it is a business account.

John Berard – Covad advised disconnects can also happen when the end user selects migration to a new ISP provider. This isn't as critical as the down time is usually very limited as they are hooked up to the new provider.

Heidi Moreland – Qwest asked how often this happens? Bryan – Covad replied approximately 20 times per month for Qwest, or once a day on average.

Bryan advised that we get faster turn around time on certain products. Heidi confirmed that Shared Loop has a shorter standard installation interval than an unbundled xDSL-capable loop. Heidi advised that the customer could be disconnected when the sync test fails and the notice is not cleared. The DSLAM port is done by the CLEC and the customer is in service. If a supplement is not sent by the CLEC, and if there is no response in 30 days, then the line gets cancelled and pulled down.

Covad advised it shouldn't matter what the history or circumstances are, if we are willing to pay for the expedite.

3.0 ☐ Confirm Areas & Products Impacted

☐ DSL, Line Share, Designed and DSL Products (all products)

This applies to any one that was in service and has gone out of service and needs to be set back up due to Customer or end-user error.

4.0 ☐ Confirm Right Personnel Involved

☐ Jill agreed to get with Joan Wells regarding the Workback / Restoral Request process

5.0 ☐ Identify/Confirm CLEC's Expectation

☐ Covad would like the ability to pay for an Expedited due date (restoral of disconnected end user)

Covad would like to treat these like trouble reports and get the end user back in service in one day.

6.0 ☐ Identify any Dependent Systems Change Requests

☐ PC081403-1 Work Back Restoral Request

CR #

PC021904-1

Information Current as of: Wednesday, April 26, 2006

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Report Name: rptOpenDetailed CR INDIVIDUAL REPORT prodproc

7.0 Establish Action Plan (Resolution Time Frame)
☐ Covad will present the CR at the March CMP Meeting
Qwest will provide our Response at the April CMP Meeting

Qwest Response

For Review by CLEC Community and Discussion at the May 19, 2004 CMP Meeting

May 12, 2004

Covad Communications
John Berard, Director-Operations Support

SUBJECT: Covad's Change Request Response – CR #PC021904-1 Enhance Expedite Process for Provisioning

This letter is in response to Covad Communications Change Request (CR) PC021904-1. This CR requests that Qwest enhance the expedite process to allow for an interval that is shorter than what is currently available for the product.

Qwest will accept PC021904-1 Enhancement to existing Expedite Process, with the caveat that it will be looked at and implemented on a product by product basis. Qwest will continue to look at all of the individual products to determine if we will implement these changes. For those products which the expedite criteria/process does not change, Qwest will leave the existing expedite criteria and process in place. Additionally, as discussed previously, expedite charges will become applicable for all expedites except those that are due to Qwest caused reasons and amendments will be required to existing Interconnection agreements to implement those charges. If a CLEC chooses not to amend their Interconnection Agreement, the current expedite criteria and process will be used.

The first phase of implementing a change to the expedite process will be around those products that are Designed Services. A list of those products is shown below. For Designed services, an expedite charge is applicable for each day that the due date is improved (unless the expedite is due to a Qwest caused reason). We are targeting an implementation date of July 31, 2004, pending approval of the Interstate FCC#1 tariff, individual state tariffs and Interconnection agreements.

Following are a list of products that will be included in Phase 1:

Product
UBL all except 2w/4w analog
Analog PBX DID
Private Line (DS0, DS1, DS3 or above)
ISDN PRI T1
ISDN PRI Trunk
ISDN BRI Trunk
Frame Relay Trunk
DESIGNED TRUNKS (Includes designed PBX trunks) Trunk
MDS / MDS1
DPAs (multiple DPAs or FX, FCO) Trunk
UBL DID (Unbundled digital trunk)

For Review by the CLEC Community and Discussion at the April 21, 2003 CMP Meeting

April 14, 2004

Covad
John Berard
Director – Operations/Change Management

SUBJECT: CR # PC021904-1 Enhance Expedite Process for Provisioning

This letter is in response to Covad's Change Request (CR) PC021904-1 Enhance Expedite Process for Provisioning. This CR requests that Qwest enhance the Expedite process to allow for an interval that is shorter than what is currently available for the product.

CR #	PC021904-1
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Information Current as of: Wednesday, April 26, 2006

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Qwest would like to leave this CR in evaluation status as it needs to continue to look at the individual products and provisioning processes that are impacted by this request. Qwest will provide an updated response at the May CMP meeting. Qwest will move this CR to Evaluation status.

Sincerely,

Jill Martain
Qwest Communications

CR #	PC021904-1
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Information Current as of: Wednesday, April 26, 2006

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Report Name: rptOpenDetailed CR INDIVIDUAL REPORT prodproc

EschelonChgDisposition_L2_ PROS.04.08.04.F.01548.ExpeditesEscalationsV8.txt
From: Susan Lorence [sxloren@notes.uswc.uswest.com] on behalf of Domino
Application [DominoApplication@AD.QINTRA.COM]
Sent: Friday, February 09, 2007 2:07 PM
To: sxloren
Subject: PROS.04.08.04.F.01548.ExpeditesEscalationsV8 --- ---
Attachments: \$RFC822.eml

----- Forwarded by Susan Lorence/Mass/USWEST/US on 02/09/2007 02:06 PM

kdisaacs@eschelon.com on 04/13/2004 02:23:55 PM

To: kdisaacs@eschelon.com
cc:

Subject: PROS.04.08.04.F.01548.ExpeditesEscalationsV8 --- ---

Thank you for submitting your comments through the Qwest CMP Document Review and Comment Process.
The information you entered is listed below.
If you have any questions, please direct them to cmpcomm@qwest.com.

=====

Notice Number: PROS.04.08.04.F.01548.ExpeditesEscalationsV8
Document Name:
Document Version Number:
Document History Log Line Number:
Comment:

Eschelon requests a change in level for notice PROS.04.08.04.F.01548.ExpeditesEscalationsV8. Eschelon believes this should be a level four notice because the updates to the Expedite and Escalation process have a significant impact our current process. Eschelon firmly believes that CLEC input is needed before the changes to the Expedite and Escalation FCAT are implemented. Also, Eschelon is concerned that this process update will introduce new charges that are currently not on our bill. There are many unanswered questions regarding the impact of this change. For example, one of the changes to the process is that we enter the DD we want for the expedite along with remarks but it does not state that manual handling is required. If the EXP field is populated does the request automatically drop to manual handling? On the tech dispatch, if the date we want is not available and Qwest proposes an alternative date, do we need to send a supplemental order? Will Qwest reject or j? ep the order if we do not supplement the order? What if any charges apply and are the expedite charges at parity with retail expedite charges? Due to the number of unanswered questions and the impact to our current process, Eschelon is requesting Qwest retract the level three notice PROS.04.08.04.F.01548 ExpeditesEscalations V8 and resubmit this update as a level four update. Thank you.

=====

Name: Kim Isaacs
Title: ILEC RELATIONS PROCESS ANALYST
Phone Number: 612-436-6038
E-mail Address: kdisaacs@eschelon.com



Announcement Date: April 08, 2004
Effective Date: April 29, 2004

Document Number: PROS.04.08.04.F.01548.ExpeditesEscalationsV8
Notification Category: Process Notification
Target Audience: CLECs, Resellers

Subject: CMP - Expedites & Escalations Overview – V8.0

Level of Change: Level 2
Associated CR Number or System Release Number: Not Applicable

Summary of Change:

On April 8, 2004, Qwest will post planned updates to its Wholesale Product Catalog that include revised documentation for Expedites & Escalations Overview – V8.0. These will be posted to the Qwest Wholesale Document Review Site located at <http://www.qwest.com/wholesale/cmp/review.html>.

Documentation concerning existing processes not previously documented is being added to this PCAT. In the Introduction, clarifying information has been added to define escalations and expedites. Under the Expedites subsection, the request and eligibility processes have been defined in more detail. Under the Escalation subsection, a clarification regarding Qwest contacts has been added.

Current operational documentation for this product or business procedure is found on the Qwest Wholesale Web Site at this URL: <http://www.qwest.com/wholesale/clecs/exesclover.html>.

Comment Cycle:

CLEC customers are encouraged to review these proposed changes and provide comment at any time during the seven day comment review period. Qwest will have seven days following the close of the comment review to respond to any CLEC comments.

Qwest provides an electronic means for CLEC customers to comment on proposed changes. The Document Review web site provides a list of all documents that are in the review stage, the process for CLECs to use to comment on documents, the submit comment link, and links to current documentation and past review documents. The Document Review Web Site is found at <http://www.qwest.com/wholesale/cmp/review.html>. Fill in all required fields and be sure to reference the Notification Number listed above.

Timeline

Planned Updates Posted to Document Review Site	Available April 08, 2004
CLEC Comment Cycle on Documentation Begins	Beginning April 09, 2004
CLEC Comment Cycle Ends	5:00 PM, MT April 15, 2004
Qwest Response to CLEC Comments (if applicable)	Available April 22, 2004 http://www.qwest.com/wholesale/cmp/review_archive.html
Proposed Effective Date	April 29, 2004

Note: In cases of conflict between the changes implemented through this notification and any CLEC Interconnection Agreement (whether based on the Qwest SGAT or not), the rates, terms and conditions of such Interconnection Agreement shall prevail as between Qwest and the CLEC party to such Interconnection Agreement.

The Qwest Wholesale Web Site provides a comprehensive catalog of detailed information on Qwest products and services including specific descriptions on doing business with Qwest. All information provided on the site describes current activities and process. Prior to any modifications to existing activities or processes described on the web site, wholesale customers will receive written notification announcing the upcoming change.



If you have any questions on this subject, please submit comments through the following link:
<http://www.qwest.com/wholesale/cmp/comment.html>

Sincerely,

Qwest



Announcement Date: May 04, 2004
Effective Date: May 25, 2004

Document Number: PROS.05.04.04.F.01631.ExpeditesV8
Notification Category: Process Notification
Target Audience: CLECs, Resellers

Subject: CMP - Expedites & Escalations Overview – V8.0

Level of Change: Level 2
Associated CR Number or System Release Number: Not Applicable

Summary of Change:

On May 4, 2004, Qwest will post planned updates to its Wholesale Product Catalog that include new/revised documentation for Expedites & Escalations Overview – V8.0. These will be posted to the Qwest Wholesale Document Review Site located at <http://www.qwest.com/wholesale/cmp/review.html>.

This change was originally noticed on April 8, 2004 via notification

PROS.04.08.04.F.01548.ExpeditesEscalationsV8. On April 13, 2004, Qwest received a CLEC comment that requested a change to the disposition of the notification to a Level 4. Pursuant to Section 5.4.3.1 of the Qwest Wholesale Change Management Process document, this request was discussed in the CMP monthly Product and Process meeting held April 21, 2004. At that meeting, it was agreed that Qwest would provide additional clarification to the existing process and to renotify the CLEC community to allow another comment cycle.

The proposed documentation updates are associated with existing processes that were not previously documented. In the Introduction, clarifying information has been added to define escalations and expedites. Under the Expedites subsection, the request and eligibility processes have been defined in more detail. Under the Escalation subsection, a clarification regarding Qwest contacts has been added. In the Contact section, a correction was made regarding the ASR Frame Relay contact and a telephone number was added to LSR Tier 1. Additional information has been included in this update which provides what action will occur depending on the type of service on the account.

Current operational documentation for this product or business procedure is found on the Qwest Wholesale Web Site at this URL: <http://www.qwest.com/wholesale/clecs/exesclover.html>.

Comment Cycle:

CLEC customers are encouraged to review these proposed changes and provide comment at any time during the seven day comment review period. Qwest will have seven days following the close of the comment review to respond to any CLEC comments.

Qwest provides an electronic means for CLEC customers to comment on proposed changes. The Document Review web site provides a list of all documents that are in the review stage, the process for CLECs to use to comment on documents, the submit comment link, and links to current documentation and past review documents. The Document Review Web Site is found at <http://www.qwest.com/wholesale/cmp/review.html>. Fill in all required fields and be sure to reference the Notification Number listed above.

Note: In cases of conflict between the changes implemented through this notification and any CLEC Interconnection Agreement (whether based on the Qwest SGAT or not), the rates, terms and conditions of such Interconnection Agreement shall prevail as between Qwest and the CLEC party to such Interconnection Agreement.

The Qwest Wholesale Web Site provides a comprehensive catalog of detailed information on Qwest products and services including specific descriptions on doing business with Qwest. All information provided on the site describes current activities and process. Prior to any modifications to existing activities or processes described on the web site, wholesale customers will receive written notification announcing the upcoming change.



Timeline

Planned Updates Posted to Document Review Site	Available May 04, 2004
CLEC Comment Cycle on Documentation Begins	Beginning May 05, 2004
CLEC Comment Cycle Ends	5:00 PM, MT May 11, 2004
Qwest Response to CLEC Comments (if applicable)	Available May 18, 2004 http://www.qwest.com/wholesale/cmp/review_archive.html
Proposed Effective Date	May 25, 2004

If you have any questions on this subject, please submit comments through the following link:
<http://www.qwest.com/wholesale/cmp/comment.html>.

Sincerely,

Qwest



Qwest Response to Document In Review

Response Date: May 18, 2004
Document: Product/Process: CMP - Expedites & Escalations Overview – V8.0
Original Notification Date: May 04, 2004
Notification Number: PROS.05.04.04.F.01631.ExpeditesV8
Category of Change: Level 2

Qwest recently posted proposed updates to CMP - Expedites & Escalations Overview – V8.0. CLECs were invited to provide comments to these proposed changes during a Document Review period from May 05, 2004 through May 11, 2004. The information listed below is Qwest's Response to CLEC comments provided during the review/comment cycle.

Resources:

Customer Notice Archive http://www.qwest.com/wholesale/cmp/review_archive.html
Document Review Site <http://www.qwest.com/wholesale/cmp/review.html>

If you have any questions on this subject or there are further details required, please contact Qwest's Change Management Manager at cmpcomm@qwest.com.

Qwest Response to Product/Process **CMP - Expedites & Escalations Overview – V8.0** Comments

#	Page/Section	CLEC Comment	Qwest Response
1		<p><i>Eschelon</i> 05/10/2004 Comment: <i>Eschelon continues to have concerns regarding PROS.05.04.04.F.01631.ExpeditesV8.</i> 1. <i>Eschelon requests that language be added to indicate that expedites are when the requested due date is shorter than the standard interval as defined in Qwest's Service Interval Guide (SIG) or the CLEC's ICA.</i> 2. <i>Although the list of conditions for which expedites are granted was not red-lined in this notice, Eschelon believes that Disconnect in</i></p>	<p>1. Qwest accepts this comment and will make the following changes to this version of the document:</p> <p>The published version will be revised to read: "Expedite requests are for situations where the requested due date is shorter than the interval defined in our Service Interval Guide (SIG) or your Interconnection Agreement (ICA)."</p> <p>2. Although Qwest agrees with your comment in theory, Qwest believes that it is important to state that currently this is a situation that qualifies as an expedite. There may be circumstances that exist for some customers who want or need to submit a LSR in order for information to be reestablished and billed in their systems. Qwest will continue to allow this exception in the expedite section so all</p>

Note: In cases of conflict between the changes implemented through this notification and any CLEC interconnection agreement (whether based on the Qwest SGAT or not), the rates, terms and conditions of such interconnection agreement shall prevail as between Qwest and the CLEC party.

The Qwest Wholesale Web Site provides a comprehensive catalog of detailed information on Qwest products and services including specific descriptions on doing business with Qwest. All information provided on the site describes current activities and process. Prior to any modifications to existing activities or processes described on the web site, wholesale customers will receive written notification announcing the upcoming change.

	<p>error by Qwest is not an expedite. Expedites are CLEC requested and should have an associated LSR. In the case of a disconnect in error by Qwest, the CLEC did not request the disconnect. Eschelon believes disconnect in error by Qwest should be removed from the list of expedite conditions and be considered an escalation.</p> <p>3. Eschelon would like additional language added for clarity to the following paragraph: An expedited request can be made either prior to, or after, submitting your service request. When the request is submitted, the EXP field should be populated on the LSR or ASR Form and the REMARKS field should contain the reason for the expedited request. You may be asked to provide verification of the expedited reason. Eschelon requests the following changes be made to clarify the options available for requesting an expedite: An expedited request can be made either prior to, or after, submitting your service request. To request an expedite you can either: Request a due date shorter than the SIG or ICA interval on your LSR. The EXP field should be populated on the LSR or ASR Form and the REMARKS field should contain the reason for the expedited request. or Request the standard (SIG) interval or ICA interval on the LSR and call the Qwest Call Center on 1-888-796-9087 to process the expedite. You may be asked to provide verification of the expedited reason</p> <p>4. Eschelon also requests that Qwest outline the details or documentation needed to verify an expedite reason in the PCAT.</p>	<p>customer experiences can be addressed. This comment is respectfully declined.</p> <p>3. Qwest accepts this comment and will amend the section in this version of the document. Of special note, as Qwest communicated in the CMP monthly Product and Process meeting held April 21, 2004, a call to the Qwest Call Center is required on all expedited requests to proceed with processing. Adding the expedited due date helps to shorten the process as Qwest will know what date you are requesting up front.</p> <p>The current revision reads as follows:</p> <p>To request an expedite on service requests issued via a Local Service Request (LSR), you may contact the Qwest Call Center on 1-888-796-9087.</p> <p>To request an expedite on service requests issued via an Access Service Request (ASR), you may contact one of the following two centers, depending on which center processes your service requests:</p> <ul style="list-style-type: none"> • Des Moines, IA on 1-877-340-9627 • Salt Lake City, UT on 1-800-333-5498 <p>The published version will be revised to read as follows:</p> <p>To request an expedite on a Local Service Request (LSR) you can either:</p> <ul style="list-style-type: none"> • Submit the request with your expedited due date and populate the EXP field. Also include in REMARKS the reason for the expedited request and then call the Qwest Call Center. • Submit the request with a due date interval from our SIG or your ICA and then call the Qwest Call Center. <p>In both scenarios, a call to the Qwest Call Center on 1-888-796-9087 is required to process the expedited request.</p> <p>To request an expedite on service requests issued via an Access Service Request (ASR), you may use either of the options described above for LSRs to submit the ASR. You should then contact one of the following two centers depending on which center processes your service requests:</p> <ul style="list-style-type: none"> • Des Moines, IA on 1-877-340-9627 • Salt Lake City, UT on 1-800-333-5498
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			<p>4. Qwest accepts this comment and will move the sentence to follow the expedite instructions for LSR and ASR. Qwest will amend in this version of the document to add the yellow highlighted section to read as follows:</p> <p>"You may be asked to provide verification of the expedited reason, such as in medical emergencies or grand opening events. The type of verification required will depend on the specific circumstances of the expedite and will be determined on an Individual Case Basis (ICB)."</p>
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Expedites & Escalations Overview History Log

February 13, 2007

Line #	Version	Effective Date	Change				Level of Change	Reason/Source	CR or Notice #
			Sec #	Section Name	Sub-section	Update Activity			
66	V44	1-15-07				Combine updates for V42 and V3 into one document.	Level 0	Select changes that do not alter CLEC operating procedures	NA
65	V43	1-15-07		Escalations	Maintenance and Repair	Removing references to HEET. Retirement notice SYST 11 16 06 F 04341 HEET Retirement Initial II.doc	Level 2	Changes that have a minimal effect on CLEC operation procedures	PROS 12 18 06 F 04380 Multiple_PCAT_Retire_HEET.doc
64	V42	1-8-07		Contacts		Change Customer Facing Center hours for CSIE	Level 3	Changes that have a moderate effect on CLEC operating procedures	PROS 12 21 06 F 04420 FNL_CustConExp_Esc_CSIEHr s.doc
63	V41	7-24-06		Expedites	Pre-Approved Expedites	Change existing process to include a 12PM MT cut-off for same day due date expedites. Adding the following statement: Note: If the ASR/LSR you are submitting requests a same day due date, your request must be received before 12 noon MT.	Level 3	Changes that have a moderate effect on CLEC operating procedures	PROS.07.07.06.F.04056.FNL_Expedites_Escalations
62	V40	5-5-06		Implementation	Training	Updates are associated with Training Notification TRNG.04.07.06.F.03830.LocalQ101WB T that identifies the retirement of the instructor-led Qwest 101 "Doing Business with Qwest" training course which is being replaced with a web-based training course titled Local Qwest 101 "Doing Business with Qwest". The language and URL associated with the web-based Local Qwest 101 "Doing Business with Qwest" training course will be updated	Level 1	Changes that do not alter CLEC operating procedures	PROS.05.04.06.F.03905.MultiplePCATsQ101Training
61	V39	5-1-06				Incremented to V39 to include changes from V37 and V38 in one document	Level 0	Select changes that do not alter CLEC operating procedures	NA
60	V38	4-15-06				Incremented to V38 to include changes from V35.0 and V36.0 in one document	Level 0	Select changes that do not alter CLEC operating procedures	NA
59	V37	5-1-06		Expedites	Expedites Requiring Approval	Contact information change of TN for the Qwest Call Center to 866-434-2555	Level 3	Changes that have a minimal effect on CLEC operation procedures	PROS.04.14.06.F.03847.FNL_CSIE_Contact_Info
58	V37	5-1-06		Expedites	Expedites Supporting Non-Qwest caused Restoral Requests	Contact information change from ISC to CSIE with new TN of 866-434-2555	Level 3	Changes that have a minimal effect on CLEC operation procedures	PROS.04.14.06.F.03847.FNL_CSIE_Contact_Info

Expedites & Escalations Overview History Log

Line #	Version	Effective Date	Change				Level of Change	Reason/Source	CR or Notice #
			Sec #	Section Name	Sub-section	Update Activity			
57	V37	5-1-06		Contacts		Change existing manual process to show Tier 1 as first point of contact with TN change for Tier 1. Removing information referencing the ISC	Level 3	Changes that have a minimal effect on CLEC operation procedures	PROS.04.14.06.F.03847.FNL_CSIE_Contact_Info
56	V36	4-7-06		Escalations	Escalations-Maintenance and Repair	Contact information change for AMSC to Wholesale Repair. No TN changes.	Level 2	Changes that have a minimal effect on CLEC operating procedures	PROS.03.17.06.F.03754.WholesaleRepair
55	V35	4-15-06		Expedites	Pre-Approved Expedites	Modify/change existing manual process. Include ability to expedite Customer Not Ready due date from 3 days to shorter interval.	Level 3	Changes that have a minimal effect on CLEC operation procedures	PROS.03.29.06.F.03794.FNLExpedites_Escalations
54	V34	2-15-06		History Log		In order to improve the readability of the History Log, entries will be set-up in descending order so that the most current update displays first rather than last.	Level 0	Select changes that do not alter CLEC operating procedures	NA
53	V34	2-15-06		Expedites	Expedites Requiring Approval	Clarification of language related to previous notice: PROS.10.19.05.F.03380.ExpeditesEscalationsV30. Qwest is deleting a sentence in the Expedites Requiring Approval description to make it consistent with the Expedite paragraph above it.	Level 1	Changes that do not alter CLEC operating procedures	PROS.02.14.06.F.03690.Expedites_EscalationsV34
52	V33	1-3-06				Incremented to V33 to include changes from V30.0 and V32.0 in one document	Level 0	Select changes that do not alter CLEC operating procedures	NA
51	V32	1-2-06		Contacts		Customer-facing Center hours information in the NOTE section	Level 3	Changes that have a minimal effect on CLEC operation procedures	PROS.12.16.05.F.03563.FNLCustomerContV28ExpEscV32
50	V31	10-27-05				Incremented to V31 to include changes from V27 and V28 in one document	Level 0	Select changes that do not alter CLEC operating procedures	NA
49	V30	1-3-06		Expedites	Pre-Approved Expedites	Add Note stating expedite language must be in ICA for products other than Resold Design. If request does not meet the criteria for Pre-Approved Expedite the process with follow the SIG, included link to SIG	Level 3	Changes that have a moderate effect on CLEC operating procedures	PROS.11.18.05.F.03492.FNL_Exp-EscalationsV30
48	V30	1-3-06		Expedites	Expedites Requiring Approval	Remove one condition where an expedite is granted	Level 3	Changes that have a moderate effect on CLEC operating procedures	PROS.11.18.05.F.03492.FNL_Exp-EscalationsV30
47	V30	1-3-06		Expedites		Change in process to stating ICA must contain expedite language	Level 3	Changes that have a moderate effect on CLEC operating procedures	PROS.11.18.05.F.03492.FNL_Exp-EscalationsV30

Expedites & Escalations Overview History Log

Line #	Version	Effective Date	Change				Level of Change	Reason/Source	CR or Notice #
			Sec #	Section Name	Sub-section	Update Activity			
46	V29	Retracted Effective 10-18-05				Time critical correction to retract V29 and V28 will remain operational	Level 1	Time critical correction	PROS.10.18.05.F.03397.Retract_ExpandEscal_V29
45	V29	10-18-05	Expedites		Expedites Requiring Approval	Clarification to expedite reasons	Level 1	Changes that do not alter CLEC operating procedures	PROS.10.17.05.F.03379.Expedites_Escalations_V29
44	V28	10-15-05	Contacts		Non ASR/LSRs	Contact information update to delete table as it is not applicable to interconnect products	Level 2	Changes that have a minimal effect on CLEC operating procedures	PROS.09.23.05.F.03280.FaxNumberChange
43	V28	10-15-05	Contacts		Access Service Requests	Contact information update to change ASR Fax number	Level 2	Changes that have a minimal effect on CLEC operating procedures	PROS.09.23.05.F.03280.FaxNumberChange
42	V27	10-27-05	Expedites		Pre-Approved Expedites	Removed 2w/4w as an exception to UBL. Added Port In/Port Within to list of products.	Level 3	Changes that have a moderate effect on CLEC operating procedures	PROS.09.12.05.F.03242.Expedites_Escalations_V27
41	V26	7-18-05				Incremented to V26 to include changes from V24 in one document	Level 0	Select changes that do not alter CLEC operating procedures	NA
40	V25	7-11-05				Incremented to V25 to include changes from V23 in one document	Level 0	Select changes that do not alter CLEC operating procedures	NA
39	V24	7-18-05	Pre-Approved Expedites			Changes are being made to the existing manual process to bill expedite charges per ASR/LSR instead of per order. Additionally, for expedited due date requests on delayed order, Qwest is revising its expedite process to only bill expedite charges if the expedited due date request results in Qwest incurring additional costs to improve the Ready for Service date. This is shown in the Pre-Approved Expedites section.	Level 3	Changes that have a moderate effect on CLEC operating procedures	PROS.07.01.05.F.03075.FNL_Expedites_Escal_V24
38	V23	7-11-05	Contacts		Local Service Requests	Modify/change existing manual process to remove after hours duty pager and add note limiting transfer hours	Level 3	Changes that have a moderate effect on CLEC operating procedures	PROS.06.24.05.F.03050.FNL_Contact_Exp_Escal.doc
37	V22	6-16-05	Expedites		Expedites Requiring Approval	Modify/change existing manual process too add three new expedite reasons per CMP CR PC021904-1. Add language related to providing service order number that caused the expedite condition.	Level 3	Changes that have a moderate effect on CLEC operating procedures	PROS.06.01.05.F.02971.Final_Expedites_Escal_V22
36	V21	4-25-05	Contacts			Contact information change for ASRs	Level 2	Changes that have a minimal effect on CLEC operating procedures	PROS.04.04.05.F.02767.800Ccontact_NumberUpdate
35	V21	4-25-05	Expedites			Contact information change for ASRs	Level 2	Changes that have a minimal effect on CLEC operating procedures	PROS.04.04.05.F.02767.800Ccontact_NumberUpdate

Expedites & Escalations Overview History Log

Line #	Version	Effective Date	Change				Level of Change	Reason/Source	CR or Notice #
			Sec #	Section Name	Sub-section	Update Activity			
34	V20	2-24-05				Incremented V18 to include changes from V19 in one document	Level 0	procedures Select changes that do not alter CLEC operating procedures	NA
33	V19	2-16-05		Pre-Approved Expedites		Clarification that do not change the process for when an expedite charge would not occur	Level 1	Changes that do not alter CLEC operating procedures	PROS.02.15.05.F.02567.Expedites_Escalations_V19
32	V18	2-24-05		Contacts	Local Service Requests (LSRs)	Update related toCMP CR PC080204-1. Added link to Ordering Overview for list of close codes.	Level 2	Changes that have a minimal effect on CLEC operating procedures	PROS.02.03.05.F.02494.OrderingV65_ExpeditesV18
31	V17	2-11-05		Pre-Approved Expedites		Modify/change existing manual process to alert you when an amendment is needed in the Pre-Approved Expedite process	Level 3	Changes that have a moderate effect on CLEC operating procedures	PROS.01.27.05.F.02513.Final_Exp_EscalationsV17
30	V16	12-1-04		Contacts	Local Service Requests (LSRs)	Contact information update to remove city specific references and the Denver TNs	Level 2	Changes that have a minimal effect on CLEC operating procedures	PROS.11.10.04.F.02270.ExpeditesEscalationsV16
29	V15	11-22-04				Time Critical correction to Retract V15	Level 1	Time Critical correction	PROS.11.22.04.F.02315.RetractExpeditesEscV15
28	V15	Retracted		Expedites	Pre-Approved Expedites	Modify/change existing manual process to include the state of Washington	Level 3	Changes that have a moderate effect on CLEC operating procedures	PROS.11.01.04.F.02255.ExpeditesEscalationsV15
27	V14	7-31-04				Incremented to V14 to include changes from V11.0 and V13.0 in one document	Level 0	Select changes that do not alter CLEC operating procedures	NA
26	V13	7/7/04				Incremented to V13 to include changes from V10.0 and V12.0 in one document	Level 0	Select changes that do not alter CLEC operating procedures	NA
25	V12	7/7/04		Contacts	Access Service Requests	Contact information update to remove the Salt Lake City telephone contact number	Level 2	Changes that have a minimal effect on CLEC operating procedures	PROS.06.30.04.F.01828.FNL_ExpeditesV12
24	V12	7/7/04		Expedites		Contact information update to remove the Salt Lake City telephone contact number	Level 2	Changes that have a minimal effect on CLEC operating procedures	PROS.06.30.04.F.01828.FNL_ExpeditesV12
23	V11	7/31/04		Expedites	Pre-Approved Expedites	Modify/change existing manual process – new process	Level 3	Changes that have a moderate effect on CLEC operating procedures	PROS.07.15.04.F.01882.FNL_ReissueExpeditesV11
22	V11	7/31/04		Expedites	Approved Expedited Requests	Modify/change existing manual process to incorporate two processes. New process wording change required	Level 3	Changes that have a moderate effect on CLEC operating procedures	PROS.07.15.04.F.01882.FNL_ReissueExpeditesV11
21	V11	7/31/04		Expedites	Expedites Requiring Approval	Modify/change existing manual process – new process	Level 3	Changes that have a moderate effect on CLEC operating procedures	PROS.07.15.04.F.01882.FNL_ReissueExpeditesV11
20	V11	7/31/04		Expedites		Modify/change existing manual process to incorporate two processes: Pre-Approved and Expedites Requiring Approval.	Level 3	Changes that have a moderate effect on CLEC operating procedures	PROS.07.15.04.F.01882.FNL_ReissueExpeditesV11

Expedites & Escalations Overview History Log

Expedites & Escalations Overview History Log									
Line #	Version	Effective Date	Change				Level of Change	Reason/Source	CR or Notice #
			Sec #	Section Name	Sub-section	Update Activity			
19	V10	7/06/04				Incremented to V10 to include changes from V7.0 and V9.0 in one document	Level 0	Select changes that do not alter CLEC operating procedures	NA
18	V9.0	07/06/04		Introduction	Expedites	Establish new manual process for restoring previous service conversion type and move service orders	Level 4	Changes that have a major effect on existing CLEC operating procedures or that require the development of new procedures	PROS.06.21.04.F.01814.FNL_ExpeditesV9
17	V8.0	05/25/04		Introduction	Contacts	Documentation concerning existing processes not previously documented is being added. A change was made regarding the ASR Frame Relay contact and a telephone number was added to LSR Tier 1.	Level 2	Changes that have a minimal effect on CLEC operating procedures.	PROS.05.18.04.F.01696.FNL_ExpeditesV8
16	V8.0	05/25/04		Introduction	Escalations	Documentation concerning existing processes not previously documented is being added. A change regarding Qwest contacts has been added.	Level 2	Changes that have a minimal effect on CLEC operating procedures.	PROS.05.18.04.F.01696.FNL_ExpeditesV8
15	V8.0	05/25/04		Introduction	Expedites	Documentation concerning existing processes not previously documented is being added. The request and eligibility processes have been defined in more detail.	Level 2	Changes that have a minimal effect on CLEC operating procedures.	PROS.05.18.04.F.01696.FNL_ExpeditesV8
14	V8.0	05/25/04		Introduction		Documentation concerning existing processes not previously documented is being added. A change was made in the definition of escalations and expedites.	Level 2	Changes that have a minimal effect on CLEC operating procedures.	PROS.05.18.04.F.01696.FNL_ExpeditesV8
13	V7.0	10/7/03		Introduction	Escalations	Corrections/clarification/additional information that does not change the product or process: <ul style="list-style-type: none">Clarification regarding when escalations can be made	Level 1	Changes that do not alter CLEC operating procedures	PROS.10.06.03.F.03616.Exped EscalV7&CustServ
12	V6.0	5/27/03		Introduction	Expedites	Documentation concerning existing process not previously documented: <ul style="list-style-type: none">add Expedite reason – medical emergencyadd link to Local Service Ordering Guide (LSOG)clarified and added additional information on how to expedite service request	Level 2	Changes that have a minimal effect on CLEC operating procedures	PROS.05.20.03.F.01088.FNL_Expedites_Escalation
11	V5.0	12/11/02		Contacts		Contact information updates to Local Service Requests and Access Service Requests tables	Level 2	Changes that have a minimal effect on CLEC operating procedures	PROS.11.20.02.F.00946.Exped itesEscalations

Expedites & Escalations Overview History Log

Line #	Version	Effective Date	Change				Reason/Source	CR or Notice #
			Sec #	Section Name	Sub-section	Update Activity		
EXPANDED & SUBMITTED SECTION SUMMARY SHEET								

Line #	Version	Effective Date	Change				Reason/Source	CR or Notice #
			Section #	Section Name	Subsection	Update Activity		
10	V4.0	5/10/02		Contacts		<ul style="list-style-type: none">• Corrected font• Updated wording and telephone number for clarification• Added additional table for complete information• Deleted duplicate information• Updated course description	Correction to PCAT	PROS.05.13.02.F.00437.Expedite_Escalation
9	V4.0	5/10/02		Training			Correction to PCAT	PROS.05.13.02.F.00437.Expedite_Escalation
8	V4.0	5/10/02		Introduction	Escalations – Technical Escalation Process	<ul style="list-style-type: none">• Added additional information to sync up existing system documentation	Correction to PCAT	PROS.05.13.02.F.00437.Expedite_Escalation
7	V4.0	5/10/02		Introduction	Escalations – Maintenance and Repair	<ul style="list-style-type: none">• Corrected font• Corrected acronyms for consistency	Correction to PCAT	PROS.05.13.02.F.00437.Expedite_Escalation
6	V4.0	5/10/02		Introduction	Escalations	<ul style="list-style-type: none">• Corrected wording for clarification	Correction to PCAT	PROS.05.13.02.F.00437.Expedite_Escalation
5	V4.0	5/10/02		Introduction	Expedites	<ul style="list-style-type: none">• Correct punctuation• Added additional and changed wording for clarification	Correction to PCAT	PROS.05.13.02.F.00437.Expedite_Escalation
4	V4.0	5/10/02		Introduction		<ul style="list-style-type: none">• Corrected font	Correction to PCAT	PROS.05.13.02.F.00437.Expedite_Escalation
3	V3.0	1/25/02		Contacts	Maintenance and Repair Centers	<ul style="list-style-type: none">• Edit Resale Simple Residential and Business identifiers (1FR and 1FB)	Correction to PCAT	N/A
2	V3.0	1/25/02		Contacts	Local Service Request	<ul style="list-style-type: none">• Define CSIE	Correction to PCAT	N/A
1	V3.0	1/25/02		Introduction		<ul style="list-style-type: none">• Add Version and History Log	Correction to PCAT	N/A

Qwest Response to Document In Review

Response Date: November 18, 2005
Document: Process: Expedites and Escalations V30
Original Notification Date: October 19, 2005
Notification Number: PROS.10.19.05.F.03380.ExpeditesEscalationsV30
Category of Change: Level 3

Qwest recently posted proposed updates to Expedites and Escalations V30. CLECs were invited to provide comments to these proposed changes during a Document Review period from October 20, 2005 through November 3, 2005. The information listed below is Qwest's Response to CLEC comments provided during the review/comment cycle.

Resources:

Customer Notice Archive <http://www.qwest.com/wholesale/cnla/>
Document Review Site <http://www.qwest.com/wholesale/cmp/review.html>

If you have any questions on this subject or there are further details required, please contact Qwest's Change Management Manager at cmpcomm@qwest.com.

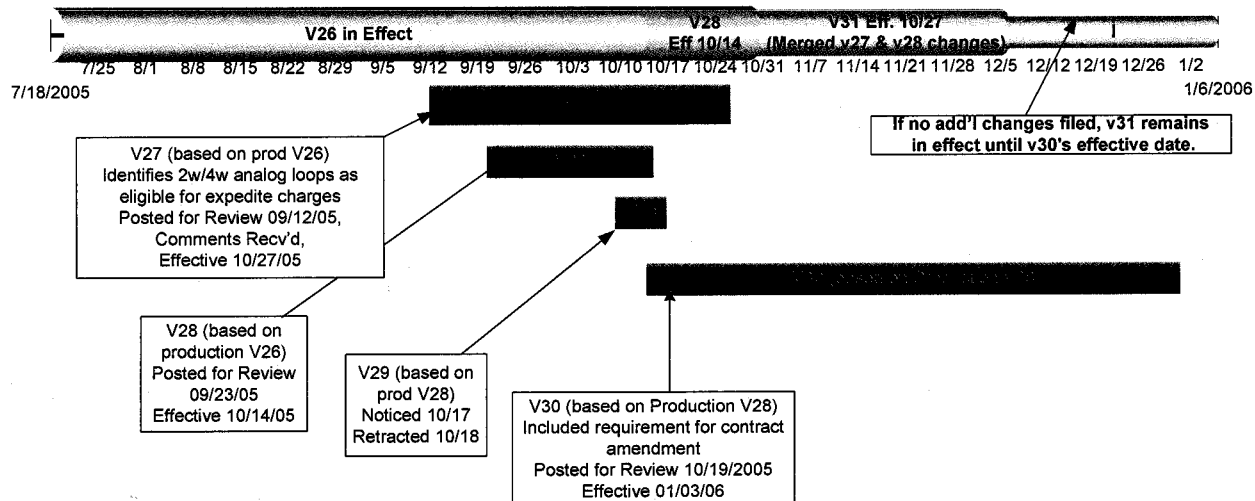
Qwest Response to Product/Process Expedites and Escalations V30 Comments

As a course of doing documentation updates, it is not unusual for multiple changes to be in process at any given time. These changes may or may not ultimately be implemented. Therefore, CMP standard practice is to base the proposed changes on the current production Version, not a Version that is in process. It appears that this practice led to the submittal of comments by the CLECs during the V30 comment cycle that actually addressed changes made in V27 of this document.

The picture below provides a timeline of the changes that have been made to this document. Version 27 of the document included the change to make 2w/4w analog loops eligible for expedite payments. That change was not commented on (other than a clarifying question on the rate) during the comment cycle and became effective on 10/27/05. Because Version 28 had already become effective, Version 31 was issued -- and merged the Version 27 changes with the Version 28 changes.

Meanwhile Version 30, which added language requiring an amendment to address expedites, had been created. Because Version 30 was created before Version 27 had taken effect, it did not include the Version 27 language per CMP practice. The Version 30 changes will be incorporated into the version that is in production on 1/3/06.

Several of the comments received on the Version 30 document actually address changes that were made in Version 27. Qwest will not respond to the comments which address Version 27 changes but will respond to comments related to the Version 30 amendment language.



#	Page/Section	CLEC Comment	Qwest Response
1		<p><i>McCloud</i> 10/26/05 Comment: Qwest announced it will begin charging expedite fee for 2w/4w loops on Oct. 27th. Qwest just posted a Expedites and Escalations V30 which still has the 2w/4w analog loop exception included. I looked at the previous version (V29) and the exception was also present in that version. Qwest has given until November 3rd to comment on the V30 so I don't see how (1) Qwest can begin charging tomorrow (Oct. 27th) when the review isn't complete and (2) Qwest can even claim that 2w/4w analog loops are no longer an exception in the Pre-Approved Expedite process when it doesn't appear that Qwest has addressed this issue in prior reviews</p>	<p>The change referenced in this comment was included in Version 27 which is already in effect.</p>
2		<p><i>McCloud</i> 11/1/05 Comment:</p>	<p>There is no condition being removed in the Version 30 change. The change referenced in this comment was included in Version 27</p>

		<p>Can you please clarify which condition is being removed where an expedite is granted? Also, I see under the "Pre-Approved Expedites" section that the first product listed is "UBL all except 2W/4W analog".</p> <p>Does this mean that we are going to have this as an exception starting with V30 going forward? I don't see this listed in the history log as something that is being added back into the document as an exception. Please advise. Thank you.</p>	<p>which is already in effect.</p> <p>V30 is changing the process to require expedite language in the customers Interconnection Agreement (ICA) when an expedite is requested for products that follow the designed services flow. Products that follow the designed services flow will not be part of the Expedite Requiring Approval process except in the state of Washington.</p>
3		<p><i>Eschelon</i> 11-3-05 Comment: In Qwest's response to Covad's CR PC021904-1, Qwest said: "If a CLEC chooses not to amend their Interconnection Agreement, the current expedite criteria and process will be used." The current "expedite requiring approval process" allows a CLEC to request an expedite, at no charge, when the customer's needs met certain criteria. Eschelon relied upon Qwest's response and based its decision to comment, or not comment, on that response. Qwest is now failing to keep the commitments it made to CLECs in CMP, and in its response to Covad, by now changing its position on expedites and unilaterally imposing charges via a process change in CMP. Qwest's proposed change to remove the existing approval required expedite process for designed products will negatively impact Eschelon and its</p>	<p>In regards to Eschelon's comments regarding Qwest's commitments with PC021904-1, discrimination allegations and timing of process notifications, Qwest submits the following response:</p> <p>Qwest did meet its commitment to PC021904-1. As with all processes that exist, they do change over time. Qwest utilized the appropriate CMP notification processes to notify CLECs of the pending changes. In fact, with this particular PCAT, process changes have been implemented since PC021904-1 was closed. For example, Qwest changed the process when it bills expedite charges in the following situations: billing per ASR/LSR instead of per service order, bill expedite charges on delayed orders only when additional costs are incurred, and finally, changed the pre-approved expedite process to include port in/port within.</p> <p>Qwest does not sell Unbundled Loops to its end user customers so it is not appropriate to make a comparison to retail in this situation. Qwest is selling a pipe, not a switched POTS service. The DS0 UBL product can be used for services other than a POTS type service and Qwest does not know what service the CLEC is providing its end user with the DS0 pipe. Therefore, Qwest's position is that there is not the parity component that is being raised with this comment.</p>

		<p>customers. Qwest said its basis for this change is "parity" and that Qwest retail charges for all expedites for "designed" services. However, this claim of "parity" is misleading as Qwest's new process now treats CLEC POTS customers differently than Qwest POTS customers. Qwest defines parity based on whether a service is "designed." Qwest has chosen to apply the "design" process to DS0 UBLs, but not to its own POTS customers. The result is that though from the customer perspective the service is the same, Qwest now proposes to treat them differently for the expedite process. The change Qwest is proposing is discriminatory to CLECs and their customers. A CLEC DS0 UBL and a Qwest retail 1FB functionally are the same service. A DS0 loop is merely a POTS line that Qwest choose to provision using a design flow process. For example, a customer could request an expedite using the approval required process when ordering service from Qwest (e.g. a 1FB), and would not have to pay additional charges for the expedite. However, if the customer orders service from a CLEC via a DS0 loop and the customer requests an expedite from the CLEC, the CLEC and the customer would have to pay an additional charge for the same basic service.</p> <p>Eschelon objects to Qwest's proposed changes to the current approval required</p>	<p>Finally, Qwest did choose to implement the changes on different process notices. This was done to allow the CLEC community ample time to get the expedite amendments through the implementation process, which is longer than the CMP Level 3 notification requirements. For each of the process changes that were made on this process since PC021904-1 completed, Qwest stated clearly in the notification the process change that was being made in each of the notifications.</p>
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		<p>expedite process because it is discriminatory to CLECs and CLEC customers. In addition, because Eschelon relied upon Qwest's comments to Covad's CR, Eschelon also objects to Qwest's addition of UBL DSO products to the pre-approved list of products. Qwest chose to make the change to the approval required expedite process after it added DSO loops to the product list for pre-approved products. The result is that CLECs were unable to effectively comment on a change that now, coupled with Qwest's further change, significantly impacts a CLEC's business.</p>	
4		<p><i>McCloud</i> 11-3-05 Comment: Qwest's removal of the 2w/4w analog loop exception from the Expedites Requiring Approval process places CLECs at a competitive disadvantage because it forces expedite charges upon the end user consumer only when that end user consumer is purchasing from a facilities based CLEC. These expedite charges are not applicable if the end user consumer is purchasing from Qwest or a non-facilities based provider.</p>	<p>The change referenced in this comment was included in Version 27 which is already in effect.</p>
5		<p><i>PriorityOne</i> 11-3-05 Comment: PriorityOne Telecommunications, Inc. objects to Qwest's proposed changes due to feeling that it is discriminatory to CLEC's and CLEC customers. Adding UBL DSO to the list of products is</p>	<p>The change referenced in this comment was included in Version 27 which is already in effect.</p> <p>Qwest has noted PriorityOne's objection to the process change associated with V30. The process change associated with V30 is being made to create consistencies across Qwest's entire customer base for products that follow the Designed Services flow.</p>

		<p>not "parity" as the customer's perception is that they are requesting a "line". The end user does not know whether the line is POTs or UBL DSO. They just know that it's a line.</p> <p>Also, PriorityOne objects to Qwest's proposed change to remove the existing approval required expedite process for designed products and note that it will negatively impact PriorityOne and its customers.</p>	
6		<p><i>Covad</i> 11-3-05 Comment: Regarding Qwest's proposed change to remove the existing approval required expedite process for designed products, Covad requests clarification regarding availability of expedited services in the state of Washington, where, currently, Qwest does not offer an expedited services amendment. Covad requests that Qwest reiterate that the Expedites Requiring Approval products will still be available in the State of Washington.</p>	<p>Qwest has reiterated that the Expedites Requiring Approval process will still be available in the state of WA in the V30 redline document. Qwest currently has the following two statements addressing the state of Washington:</p> <p><i>The Expedites Requiring Approval section of this procedure does not apply to any of the products listed below (unless you are ordering services in the state of WA).</i></p> <p><i>The Pre-Approved expedite process is available in all states except Washington for the products listed below when your ICA contains language for expedites with an associated per day expedite charge.</i></p>
7		<p><i>Integra</i> 11-3-05 Comment: Integra objects to Qwest proposed change to remove the existing approval required expedite process for designed products. When Integra signed the Qwest Expedite Amendment we were not advised that by signing the amendment it would change the current Expedites Requiring</p>	<p>Integra was not advised that by signing the amendment it would change the Expedites Requiring Approval Process for a couple of reasons:</p> <p>1) When an expedite amendment is signed, the CLEC is automatically included in the pre-approved process and the Expedite Requiring Approval process is not applicable any longer for the products identified in the Pre-Approved Expedite section of the PCAT. This was clarified and documented with PC021904-1. In the meeting minutes for the ad-hoc meeting held on July 9, 2004, Qwest</p>

		<p>Approval process. We signed the amendment believing that this would ADD to our options of having an order completed outside the standard interval. When Integra signed the amendment UBL DS0 loops were not included as a product on the list of products in the "Pre-Approved Expedites" list. When the UBL DS0 was added to this list Integra did not comment as at that time we still believed the Expedites Requiring Approval process was in place for our use.</p>	<p>clarified that when a CLEC amends their contract there are no reasons any longer and that if Qwest expedites a request, expedite charges apply.</p> <p>2) The PCAT that was revised with PC021904-01 states the following:</p> <p><i>Requesting an expedite follows one of two processes, depending on the product being requested and the language in your Interconnection Agreement (ICA). If the request being expedited is for a product on the list of products in the "Pre-Approved Expedites" (see below) and your ICA has language supporting expedited requests with a "per day" expedite rate, then the request does not need approval. If the request being expedited is for a product that is not on the defined list, or your ICA does not support a "per day" expedite rate, then the expedited request follows the process defined in the "Expedites Requiring Approval" section below.</i></p> <p>For the change that is being implemented with V30, there is no change to the CLECs that already have an expedite amendment in place.</p>
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Example #1

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Confidential

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BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF ESCHELON TELECOM
OF ARIZONA, INC.

Complainant,

vs

QWEST CORPORATION

Respondent.

STATE OF UTAH
COUNTY OF SALT LAKE

DOCKET NO. T-03406A-06-0257
T-01051B-06-0257

AFFIDAVIT OF
JILL MARTAIN

SS

Jill Martain, of lawful age being first duly sworn, deposes and states: Made and sworn to before me this 12th day of February, 2007.

1. My name is Jill Martain. I am the Manager of Process Management – Wholesale Markets for Qwest Services Corporation in Salt Lake City, Utah. I have caused to be filed written rebuttal testimony in Docket Nos. T-03406A-06-0257 and T-01051B-06-0257.
2. I hereby swear and affirm that my answers contained in the attached testimony to the questions therein propounded are true and correct to the best of my knowledge and belief.

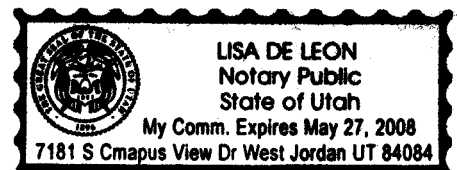
Further affiant sayeth not.


Jill Martain

SUBSCRIBED AND SWORN to before me this 12th day of February, 2007.


Notary Public

My Commission Expires: May 27, 2008.



BEFORE THE ARIZONA CORPORATION COMMISSION

JEFF HATCH-MILLER
Chairman
WILLIAM A. MUNDELL
Commissioner
MIKE GLEASON
Commissioner
KRISTIN K. MAYES
Commissioner
GARY PIERCE
Commissioner

**IN THE MATTER OF THE
COMPLAINT OF ESCHELON
TELECOM OF ARIZONA, INC.
AGAINST QWEST CORPORATION**

)
)
) **DOCKET NO. T-03406A-06-0257**
) **DOCKET NO. T-01051B-06-0257**
)

REBUTTAL TESTIMONY

OF

RENÉE ALBERSHEIM

ON BEHALF OF

QWEST CORPORATION

FEBRUARY 13, 2007

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I. IDENTIFICATION OF WITNESS

Q. PLEASE STATE YOUR NAME, OCCUPATION AND BUSINESS ADDRESS.

A. My name is Renée Albersheim. I am employed by Qwest Services Corporation, parent company of Qwest Corporation ("Qwest"), as a Staff Witnessing Representative. I am testifying on behalf of Qwest. My business address is 1801 California Street, 24th floor, Denver, Colorado, 80202.

Q. ARE YOU THE SAME RENÉE ALBERSHEIM THAT SUBMITTED TESTIMONY IN THIS CASE ON AUGUST 28, 2006?

A. Yes, I am.

II. PURPOSE OF TESTIMONY

Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?

A. The purpose of my testimony is to reply to portions of the testimony of Ms. Pamela Genung, filed on behalf of the Commission Staff. Ms. Genung correctly finds that (1) Qwest does not discriminate when expediting the provision of unbundled loops for CLEC customers, and (2) that the maintenance and repair provisions of Eschelon's ICA have no bearing on this complaint. However, Ms. Genung incorrectly finds that the current Expedite and Escalations process developed in the Commission approved CMP is in conflict with the terms of Eschelon's current ICA. To the contrary, as I explained in my direct testimony, the current version of the Expedite and Escalations process developed in the Commission approved CMP is in complete harmony with the terms of Eschelon's current ICA.

Ms. Genung also recommends that the Commission order Qwest to make Version 11 of the Expedite and Escalations process developed in the

1 Commission approved CMP – instead of Versions 27 and 30 of the process –
2 available to “all CLEC’s via an amendment to the CLEC’s current Interconnection
3 Agreement.” This recommendation flies in the face of the negotiation process set
4 forth in Sections 251/252 of the Act.

5 Ms. Genung also recommends that Qwest “include a definition of designed and
6 non-designed services in its Arizona tariffs.” This is unnecessary as the tariffs
7 set forth the products to which the tariff is applicable.

8 Ms. Genung also recommends that “a performance measurement for expedites
9 of unbundled loops be developed through the CMP” There is already a
10 process available for making recommendations for new performance measures
11 of PIDs. A process already exists where a CLEC (or Commission Staff) can
12 make a recommendation to add a PID, and the request can be vetted and a
13 decision made. However, there is not sufficient demand for expedites of
14 unbundled loops to justify a stand-alone PID. Finally, once Qwest agrees to an
15 expedited interval, Qwest has an obligation to meet the accelerated due date,
16 and such orders are already maintained in measure OP-3 (commitments met) for
17 unbundled loops. Thus, the Commission can already see how well Qwest is
18 provisioning unbundled loops based upon either the standard interval or the
19 expedited interval. Data for the last 12 months in Arizona for analog loops shows
20 that Qwest has met between 95.2% and 99.8% of unbundled loop orders each
21 month. This is substantially in excess of the 90% benchmark set by the
22 Commission. Qwest’s performance clearly provides CLECs with a meaningful
23 opportunity to compete.

24 Finally, Ms. Genung recommends that Qwest and Eschelon “include expedites of
25 the installation of Unbundled Loops in their interconnection Agreement

1 negotiations." Qwest and Eschelon have already done that, and the arbitration is
2 set to be tried before the Commission in March 2007.

3 **III. STAFF FINDINGS IN SUPPORT OF QWEST'S POSITIONS**

4 **A. Qwest's Expedite Process Provides CLECs with a**
5 **"Superior Service"**

6 **Q. DOES STAFF FIND THAT QWEST'S EXPEDITE PROCESS IS**
7 **DISCRIMINATORY?**

8 A. No. Ms. Genung states at page 32 of her Testimony that, "Based on the facts of
9 this case, Staff does not support a finding of discrimination. Thus, the Staff
10 agrees with Qwest that it makes expedites available to CLECs including
11 Eschelon on a non-discriminatory basis. Staff understands that Qwest makes
12 one process available for design services (the "Pre-Approved Expedites"
13 process) and a separate process available for POTS/non-designed services (the
14 "Expedites Requiring Approval" process)."

15 **Q. EVEN THOUGH THE STAFF AFFIRMATIVELY FINDS PARITY IN**
16 **PROCESSES, WHAT DOES THE STAFF RECOMMEND?**

17 A. The Staff recommends that Qwest be forced to offer Version 11 of the Expedite
18 and Escalations process developed in the Commission approved CMP to all
19 CLECs.

20 **Q. WHAT IS THE NET EFFECT OF THIS RECOMMENDATION?**

21 A. The net effect of this recommendation is that the Staff is recommending that
22 Qwest be forced to offer superior service to the CLECs in the provision of
23 Expedites and Escalations. The 8th Circuit Court of Appeals has already held

1 that it is illegal as a matter of law to order ILECs like Qwest to offer superior
2 service.¹

3 However, it is important to recognize that the Staff is correct that expediting an
4 order for a CLEC provides a superior service to the CLEC. That means several
5 important points necessarily follow; specifically:

- 6 • The terms of the 1996 Act do not dictate the provisions of expedited
7 orders;
- 8 • As Terri Million explains, it is improper as a matter of law to set rates for
9 expedites according to TELRIC principles, or even in a cost docket
10 proceeding; and,
- 11 • The only question is the terms of the CLEC's interconnection agreement.

12 Section 252(a)(1) allows a party to enter into provisions in the ICA that have no
13 bearing – one way or the other – on the terms of the Act.² Thus, the question
14 comes down to whether Eschelon had a right under the terms of its existing ICA
15 to obtain expedites of unbundled loops free of charge. As I explained in my
16 direct testimony, and as I will explain again below, Eschelon's current ICA does
17 not give them a right to obtain expedites free of charge. As the Staff itself
18 recognized, the ICA specifically contemplates that Eschelon will pay a fee to get
19 an order expedited.

¹ See e.g., *Iowa Utilities Board v. AT&T*, 120 F.3d 753, 812-813 (8th Cir. 1997), *aff'd in part and rev'd in part*, 525 U.S. 366, 397 (1999).

² *Verizon New Jersey, Inc. v. Ntegrity Telecontent Servs., Inc.* 219 F. Supp. 2d 616, 632-33 (D.N.J. 2002); see also *Net2Globe Int'l, Inc. v. Time Warner Telecom of N.Y.*, 273 F. Supp. 2d 436, 459 (S.D.N.Y. 2003) ("while § 251 requires interconnectivity among telecommunications carriers . . . [o]nce an interconnectivity agreement . . . is formed and approved by government regulators, 'the Communications Act intends that the [local exchange carrier] be governed directly by the specific agreement rather than the general duties described . . . in section 251'" (quoting *Law Offices of Curtis V. Trinko, LLP v. Bell Atlantic Corp.*, 305 F.3d 89 (2d Cir. 2002), *rev'd and remanded on other grounds sub nom. Verizon Communications, Inc. v. Law Offices of Curtis V. Trinko*, 540 U.S. 389 (2004))).

1 **Q. STAFF FURTHER STATES THAT THERE IS NO RETAIL ANALOG FOR**
2 **EXPEDITES IN THE INSTALLATION OF UNBUNDLED LOOPS. IS THAT**
3 **CORRECT?**

4 A. Yes, that is correct. As I explained in my direct testimony, every commission to
5 consider the issue has decided that the ordering and provisioning of unbundled
6 analog loops does not have a retail analog.

7 **Q. WHAT IS THE SIGNIFICANCE OF THIS STAFF FINDING?**

8 A. The Commission has already found that Qwest provides a meaningful
9 opportunity for CLECs to compete by provisioning unbundled analog loops in an
10 average of 6 business days. The Commission also set a standard interval for the
11 provision of unbundled loops to be 5-days. Thus, expediting the orders for an
12 unbundled loop is providing superior service to the CLECs far beyond that
13 necessary to provide them a meaningful opportunity to compete. Thus, just as I
14 stated before, this recommendation also establishes that expediting orders for
15 unbundled loops is a superior service.

16 **B. Repair Language is Irrelevant**

17 **Q. DOES STAFF AGREE WITH QWEST THAT ESCHELON'S REFERENCES TO**
18 **REPAIR LANGUAGE IN ITS INTERCONNECTION AGREEMENT IS**
19 **IRRELEVANT?**

20 A. Yes. Ms. Genung states at page 28 of her testimony that, "Eschelon's Complaint
21 addresses the refusal by Qwest to provide repairs for disconnects in error. Staff
22 believes that the general repair provisions are irrelevant to this Complaint
23 because Eschelon did in fact place an order with Qwest to disconnect the
24 customer's circuit. Therefore, there was no Qwest caused error that resulted in a

1 disconnection that would bring the disconnect in error repair intervals into play.”
2 This conclusion is in perfect harmony with my direct testimony.

3 **C. The Distinction between Designed and Non-Designed**
4 **Services**

5 **Q. DOES STAFF RECOGNIZE THAT THERE IS A DISTINCTION BETWEEN**
6 **DESIGNED AND NON-DESIGNED SERVICES?**

7 A. Yes. Ms. Genung acknowledges that there is a difference in her discussion of
8 definitions of these terms in the tariffs on page 23 of her direct testimony.

9 **Q. DOES IT FOLLOW THAT QWEST’S TARIFFS SHOULD BE CHANGED TO**
10 **INCLUDE DEFINITIONS FOR DESIGNED AND NON-DESIGNED SERVICES**
11 **IN ITS ARIZONA TARIFFS AS MS. GENUNG RECOMMENDS ON PAGE 40**
12 **OF HER TESTIMONY?**

13 A. No. There is no reason to define “design services” in the applicable tariff. The
14 parties purchasing out of the tariff are not focused on the systems from which
15 Qwest provisions the facility in question. They simply want to know the services
16 they can order out of the tariff. The tariff defines the types of circuits that a
17 customer can purchase from the tariff in question. For example, the AZ QC
18 Competitive Private Line Transport Services Price Cap Tariff specifically
19 identifies US WEST DS1 Service and US WEST DS3 Service. There is simply
20 no need to define “design services” as it will not help the customers better
21 understand the service they are ordering.

1 **IV. ERRORS IN STAFF'S INTERPRETATION OF THE CURRENT ICA**

2 **A. The Current ICA Gives Eschelon the Right to Request an**
3 **Expedite and Gives Qwest the Right to Refuse to Expedite the**
4 **Order**

5 **Q. HOW DOES MS. GENUNG INTERPRET THE CURRENT ICA BETWEEN**
6 **ESCHELON AND QWEST.**

7 A. Ms. Genung finds that Qwest's current interconnection agreement gives
8 Eschelon the right to obtain expedites for orders of unbundled loops according to
9 the Expedites and Escalations process set forth in Version 11 of the process
10 created in the Commission approved CMP. Ms. Genung makes this
11 recommendation because she believes that the current Expedites and
12 Escalations process created in the Commission-approved CMP either conflicts
13 with terms of Eschelon's current ICA or would abridge the rights of Eschelon
14 under this agreement. As I have stated above, I agree with many of Ms.
15 Genung's recommendations; however, on this point I disagree with her
16 conclusion.

17 **Q. PLEASE RESTATE THE LANGUAGE OF THE ENABLING LANGUAGE OF**
18 **THE CMP.**

19 A. As I stated in my direct testimony on page 24:

20 The CMP Document clearly states in its introduction:

21 In cases of conflict between the changes implemented through this
22 CMP and any CLEC interconnection agreement (whether based on
23 the Qwest SGAT or not), the rates, terms and conditions of such
24 interconnection agreement shall prevail as between Qwest and the
25 CLEC party to such interconnection agreement. In addition, if
26 changes implemented through this CMP do not necessarily present
27 a direct conflict with a CLEC interconnection agreement, but would
28 abridge or expand the rights of a party to such agreement, the

1 rates, terms and conditions of such interconnection agreement shall
2 prevail as between Qwest and the CLEC party to such agreement.

3 None of the parties felt that the CMP should be used as a mechanism
4 to subvert commitments established via Interconnection Agreements.
5 But the converse should also be true. Interconnection Agreements
6 should not be used as mechanism to subvert the CMP.
7 Interconnection Agreements should not contain such product, process
8 and systems operational specifics that these items cannot be managed
9 via the CMP as intended. Any such provisions in an interconnection
10 agreement would make it impossible for the CMP participants to
11 change without first obtaining an amendment (and agreement from the
12 parties) to that Interconnection Agreement.

13 As Ms. Jill Martain explains in her rebuttal testimony, it is undisputed that
14 Eschelon has used the CMP to modify the Expedites and Escalations process.
15 Thus, the facts show that Eschelon itself recognizes that the CMP is the proper
16 vehicle to modify the Expedites and Escalations process underlying the parties'
17 ICA. Now, Eschelon is trying to use the language of the ICA to subvert the CMP.
18 Eschelon's position is internally inconsistent. Eschelon's conduct pre-dating this
19 Complaint establishes what Eschelon itself knows is the truth – the process for
20 expediting orders can be modified in the Commission approved CMP.

21 **Q. MS. GENUNG BASED HER ANALYSIS ON SECTIONS 3.2.2.13, 3.2.4.2.1 AND**
22 **3.2.4.4 OF THE ICA. DID MS. GENUNG GIVE FULL WEIGHT TO ALL OF THE**
23 **LANGUAGE IN THESE SECTIONS OF THE ICA?**

24 **A.** No. Ms. Genung appears to interpret the terms in these sections of the contract
25 as giving Eschelon an absolute right to expedites; however, in the process, Ms.
26 Genung ignores language in these contract provisions which leave it to Qwest's
27 discretion as to whether to grant an expedite. Section 3.2.2.1.3 states:

1 Expedites: U S WEST shall provide CO-PROVIDER the capability
2 to expedite a service order. Within two (2) business hours after a
3 request from CO-PROVIDER for an expedited order, **U S WEST**
4 **shall notify CO-PROVIDER of U S WEST's confirmation to**
5 **complete, or not complete, the order within the expedited**
6 **interval.** (emphasis supplied).

7 Based on the complete language in this section, Qwest has the discretion to
8 determine whether or not to expedite an order. The ICA does give Eschelon the
9 right to request expedites, but the ICA gives Qwest the right refuse to expedite
10 an order.

11 Other provisions of the parties' current ICA make the same point:

12 3.2.4.3.1 If CO-PROVIDER requires a due date earlier than the U
13 S WEST offered due date **and U S WEST agrees to meet the CO-**
14 **PROVIDER required due date**, then that required due date
15 becomes the committed due date and expedite charges may apply.
16 (emphasis added)

17 3.2.4.4 Subsequent to an initial order submission, CO-
18 PROVIDER may request a new/revised due date that is earlier than
19 the committed due date. **If U S WEST agrees to meet that**
20 **new/revised due date**, then that new/revised due date becomes
21 the committed due date and expedite charges may apply.
22 (emphasis added)

23 Thus, the parties' current ICA makes plain on numerous occasions that
24 expedited due dates only apply when Qwest agrees to expedite the order.
25 Again, the ICA does not give Eschelon the right to obtain expedited orders; it
26 simply gives Eschelon the ability to request expedited orders. Qwest has never
27 denied Eschelon the ability to request an expedited order.

1 Q. DOES THE CURRENT EXPEDITE PROCESS CREATED IN THE
2 COMMISSION APPROVED CMP ABRIDGE THE RIGHTS EXTENDED TO
3 ESCHELON IN ITS ICA?

4 A. No. In fact, the Staff's interpretation of the ICA abridges the rights extended to
5 Qwest under the ICA. As I stated in my direct testimony, the current ICA states
6 on numerous occasions that Qwest is entitled to compensation for expediting
7 orders for Eschelon. Attachment 5 of the ICA contains three specific statements
8 that expedite charges may apply:

9 3.2.4.2.1 If CO-PROVIDER requests a due date earlier than the
10 standard due date interval, then **expedite charges may apply.**
11 (emphasis added)

12 3.2.4.3.1 If CO-PROVIDER requires a due date earlier than the
13 U S WEST offered due date and U S WEST agrees to meet the
14 CO-PROVIDER required due date, then that required due date
15 becomes the committed due date and **expedite charges may**
16 **apply.** (emphasis added)

17 3.2.4.4 Subsequent to an initial order submission, CO-
18 PROVIDER may request a new/revised due date that is earlier
19 than the committed due date. If U S WEST agrees to meet that
20 new/revised due date, then that new/revised due date becomes
21 the committed due date and **expedite charges may apply.**
22 (emphasis added)

23 Ms. Genung recognizes these express provisions of the ICA; yet still concludes
24 that Qwest is obligated to expedite orders for unbundled loops free of charge.

1 **Q. GIVEN THAT THE ICA CONTAINS EXPRESS LANGUAGE GIVING QWEST**
2 **THE RIGHT TO COMPENSATION FOR EXPEDITING ORDERS, HOW DOES**
3 **STAFF REACH THE CONCLUSION THAT ESCHELON IS ENTITLED TO**
4 **EXPEDITES FREE OF CHARGE?**

5 **A.** Staff finds that there was a period of time when the Commission approved CMP
6 had a process in place to expedite orders for all products according to the
7 “Expedites Requiring Approval” process at no cost to CLECs. Thus, Staff goes
8 to the process created in CMP for expedites – not to the language of the parties’
9 ICA – to conclude that Eschelon has a right to obtain expedites at no cost.

10 Staff’s reliance on the expedite process created in the Commission approved
11 CMP to determine the rights of the parties under their ICA makes Qwest’s point.
12 The process for determining whether and when an order can be expedited is
13 dictated in the CMP. Eschelon should not be able to use the CMP process to
14 modify the Expedites and Escalations process, and then refuse to accept the
15 changes made in the CMP to that very process.

16 The plain language of the ICA gives Qwest the right to compensation when it
17 expedites an order. Eschelon cannot claim “conflict” with the ICA or abridgment
18 of rights under the ICA when Qwest seeks to obtain payment that the plain
19 language of the ICA entitles Qwest to receive.

B. The ICA and the Current Expedite Process Are Not in Conflict

Q. STAFF SUGGESTS THAT THE CURRENT EXPEDITE PROCESS IS IN CONFLICT OR ABRIDGES THE RIGHTS OF THE PARTIES UNDER THE CURRENT ICA. DOES QWEST AGREE?

A. No. As I stated above, the current expedite process does not conflict with the parties' ICA. The ICA states that Eschelon can request expedites, and if Qwest agrees to expedite the order, that expedite charges may apply. The current ICA gives Qwest the right to determine whether or not to expedite an order. Under the terms of the current ICA, Qwest does not violate the agreement by refusing to expedite orders for design services unless Eschelon agrees to pay a \$200 per day fee. The current expedite process does not alter the plain language of the ICA. If anything, the current expedite process gives CLECs more certainty that expedites will be granted by establishing the conditions under which expedites are automatically approved. This will be discussed further in the testimony of Jill Martain.

C. Staff's Concern with 2-wire/4-wire Loops is Irrelevant to This Case

Q. MS. GENUNG SPENT SOME TIME DISCUSSING THE ADDITION OF 2-WIRE/4-WIRE UNBUNDLED LOOPS TO THE PRE-APPROVED EXPEDITE PROCESS IN VERSION 27 OF THE EXPEDITE PCAT.³ IS THAT FACT RELEVANT TO THE SPECIFIC CUSTOMER NAMES IN THIS COMPLAINT?

A. No. It is undisputed that Eschelon's original order for the named customer in this case was for a DS1-Capable Loop. DS1-Capable Loops were already part of the Pre-Approved Expedite process when version 27 of the PCAT was released.

³ See Genung Direct pages 30-32.

1 Thus, the Staff's testimony about how Versions 27 and 30 of the Expedite and
2 Escalations process impacted the products for which Eschelon could expedite an
3 order has no impact on the named customer in this case.

4 **D. Performance Measures Are Not Appropriate for**
5 **Expedites**

6 **Q. MS. GENUNG RECOMMENDS THAT A PERFORMANCE MEASUREMENT**
7 **FOR EXPEDITES OF UNBUNDLED LOOPS BE DEVELOPED THROUGH**
8 **CMP.⁴ IS THAT APPROPRIATE?**

9 A. No. Performance measures are not developed in the CMP. A process for
10 updating performance measures has been developed separately and is
11 explained in detail on the Qwest Wholesale Website.⁵

12 **Q. DOES QWEST ALREADY TRACK HOW WELL IT MEETS PROMISED DUE**
13 **DATES WHEN IT PROVISIONS UNBUNDLED LOOPS?**

14 A. Yes. Performance Measure OP-3 is entitled "Commitments Met." The exact
15 language of O-3 reads:

16 Measures the percentage of orders for which the scheduled due date is
17 met.

- 18 • All inward orders (Change, New, and Transfer order types)
19 assigned a due date by Qwest and which are completed/closed
20 during the reporting period are measured, subject to exclusions
21 specified below. Change order types included in this measurement
22 consist of all C orders representing inward activity. Also included
23 are orders with customer-requested due dates longer than the
24 standard interval.

⁴ See Genung Direct page 40.

⁵ The process for requesting modification to PIDs is available at
<http://www.qwest.com/wholesale/clecs/regmodpid.html> on Qwest's Wholesale website.

- Completion date on or before the Applicable Due Date recorded by Qwest is counted as a met due date. The Applicable Due Date is the original due date or, if changed or delayed by the customer, the most recently revised due date, subject to the following: If Qwest changes a due date for Qwest reasons, the Applicable Due Date is the customer-initiated due date, if any, that is (a) subsequent to the original due date and (b) prior to a Qwest-initiated, changed due date, if any.⁶

This measurement is based upon the date of delivery returned in a Firm Order Confirmation. If Qwest agrees to expedite an order an FOC will so reflect the expedited date. Thus, Qwest's provisioning of expedited orders for unbundled loops are already being measured, albeit in a measure that includes all orders for loops.

Qwest tracks this performance for many different types of unbundled loops. A vast percentage of the unbundled loops ordered by CLECs are analog loops, and during the 271 process, the Commission found that Qwest needed to provision 90% of those loops by the date set forth in the FOC. The last year of data shows that Qwest far exceeds the 90% measure each and every month. Indeed, Qwest provisions between 95.2% and 99.8% of analog loops each month.⁷

This data shows that Qwest provides CLECs – including Eschelon – with a meaningful opportunity to compete. There is simply no need for a new PID. Moreover, this is not the proper forum to recommend issuance of a new PID. If Staff wants a new PID on expedites, the matter should be raised in the PID Management Process.⁸ Then the request can be fully explored. Qwest would recommend against a new PID for several reasons including: (1) expedited

⁶ A Link to the Performance Indicator Definitions can be found at <http://www.qwest.com/wholesale/results/roc.html>.

⁷ A link to Qwest's current performance in Arizona can be found at <http://www.qwest.com/wholesale/results/roc.html>.

⁸ Further information regarding the PID Management process can be found at www.qwest.com/wholesale/results/index.html.

1 service is not a 251 obligation, but a superior service; therefore it is inappropriate
2 for such a PID to be mandated; (2) the volumes of expedited orders is relatively
3 small; therefore, there is no need for a new PID; and, (3) Qwest is making
4 expedited orders available to CLECs as a benefit to them; under no circumstance
5 should Qwest be penalized for trying to be a Good Samaritan and offer
6 something to CLECs that it is not legally obligated to provide.

7 **Q. DOES IT FOLLOW THAT EXPEDITE PERFORMANCE NEEDS TO BE**
8 **MEASURED?**

9 A. No. The speed of an expedite was not at issue in this case. The issue was
10 whether or not an expedite should have been granted and under what
11 circumstances. If Staff's intent was to measure how often expedites are granted,
12 there is no indicator to determine how often expedites should be granted. Each
13 case is specific to the individual order in question. Finally, Staff has not provided
14 any basis to demonstrate that such a performance measure is needed or
15 otherwise required.

16 **E. The Rate for Expedites Should Not Be Considered In the**
17 **Next Cost Docket**

18 **Q. STAFF RECOMMENDS THAT THE RATE FOR EXPEDITES BE CONSIDERED**
19 **IN THE NEXT COST DOCKET.⁹ DOES QWEST AGREE?**

20 A. No. As I stated in my direct, and as was discussed in the direct testimony of
21 Theresa K. Million, expediting orders for Eschelon or any CLEC constitute a
22 superior service. As I stated above, Staff's testimony goes a long way to
23 establishing that expedited orders constitute a superior service. As such, it is
24 inappropriate to consider the rates for expedites in a cost docket. This will be
25 discussed further in the rebuttal testimony of Theresa K. Million.

⁹ See Genung Direct at page 40.

F. Forcing Withdrawal of ICA Amendments is a Violation of the Act

Q. STAFF RECOMMENDS THAT QWEST BE REQUIRED TO TELL ALL CLECS THAT SIGNED AN EXPEDITE AMENDMENT THAT THE PROCESS IS OPTIONAL, AND DOES NOT ABRIDGE THEIR RIGHTS UNDER THEIR EXISTING ICAS.¹⁰ IS STAFF'S RECOMMENDATION APPROPRIATE?

A. No. This case is a dispute between two parties, Eschelon and Qwest. The facts in this case are specific to Eschelon's current Interconnection Agreement, which has been in effect for over six years. It is not appropriate to issue an order impacting all CLECs and all interconnection agreements based on the facts in this one case. Qwest has not put forward facts about other CLECs and their ICAs. Qwest does not agree that the expedite process is in conflict with Eschelon's current interconnection agreement, much less any other CLECs agreement. As further discussed in the testimony of Jill Martain, Qwest believes that the current expedite process has been properly developed through the CMP and does not need to be redesigned.

Q. IS STAFF'S RECOMMENDATION CONSISTENT WITH THE TERMS OF THE TELECOMMUNICATIONS ACT?

A. No. Section 252(a)(1) specifically gives all parties who enter into voluntary agreements the ability to "enter into a binding agreement . . . without regard to the standards set forth in subsections (b) and (c) of Section 251." Courts have uniformly held that parties have the right to enter into voluntary agreements, and that such agreements are binding on the parties.¹¹ The Staff's recommendation

¹⁰ See Genung Direct page 36.

¹¹ *Verizon New Jersey, Inc. v. Ntegrity Telecontent Servs., Inc.* 219 F. Supp. 2d 616, 632-33 (D.N.J. 2002); see also *Net2Globe Int'l, Inc. v. Time Warner Telecom of N.Y.*, 273 F. Supp. 2d 436, 459 (S.D.N.Y. 2003) ("while § 251 requires interconnectivity among telecommunications carriers . . . [o]nce an interconnectivity agreement . . . is formed and approved by government regulators, 'the Communications Act intends that the [local exchange carrier] be governed directly by the specific agreement rather than

1 to negate several voluntarily negotiated contract amendments wherein parties
2 agreed to compensate Qwest to expedite orders \$200/day is without precedent
3 and would violate the plain language of the Act.

4 **V. CONCLUSION**

5 **Q. PLEASE SUMMARIZE YOUR TESTIMONY.**

6 A. My testimony responds to the testimony of Staff Witness Pamela Genung. I
7 discuss Staff's agreement with Qwest that the current expedite process is not
8 discriminatory. Staff also agrees with Qwest that repair language in the ICA and
9 tariffs is irrelevant to this case which is about expediting an order for service.
10 And Staff recognizes that there is a difference between designed and non-
11 designed service. These conclusions raised by Staff establish, in and of
12 themselves, that Eschelon seeks a superior service from Qwest.

13 I also discuss those issues on which Staff and Qwest disagree, and why the
14 Commission should adopt Qwest's position on those issues. Qwest does not
15 agree with Staff that Eschelon has the right through the terms of its ICA, to
16 receive expedites for free. The terms of the current ICA clearly state that
17 expedite charges may apply. The current Qwest expedite process does not
18 conflict with the current ICA; therefore it is not necessary to redevelop the
19 expedite process in the CMP. This issue is discussed further in the testimony of
20 Jill Martain.

21 Staff's concern with 2-wire and 4-wire unbundled loops is irrelevant to this case.
22 The loop at issue in this case was a DS1 capable loop.

the general duties described . . . in section 251") (quoting *Law Offices of Curtis V. Trinko, LLP v. Bell Atlantic Corp.*, 305 F.3d 89 (2d Cir. 2002), rev'd and remanded on other grounds sub nom. *Verizon Communications, Inc. v. Law Offices of Curtis V. Trinko*, 540 U.S. 389 (2004)).

1 It is not appropriate to develop a separate performance measure for expedites.
2 Qwest is already measured on its due date performance, and the present
3 measures of installation commitments include expedited orders.

4 The rate for expedites should not be considered in the next cost docket.
5 Expedites are not UNEs but superior services, and therefore it is not appropriate
6 to set the rate for expedites in a cost docket. This issue is discussed further in
7 the testimony of Teresa K. Million.

8 And finally, forcing withdrawal of ICA amendments, as recommended by Staff,
9 would violate the plain language of Section 251(a)(1) of Telecommunications Act.

10 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

11 **A.** Yes, it does.

BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF ESCHELON TELECOM
OF ARIZONA, INC.

Complainant,

vs

QWEST CORPORATION

Respondent.

STATE OF COLORADO
COUNTY OF DENVER

DOCKET NO. T-03406A-06-0257
T-01051B-06-0257

AFFIDAVIT OF
RENEE ALBERSHEIM

SS

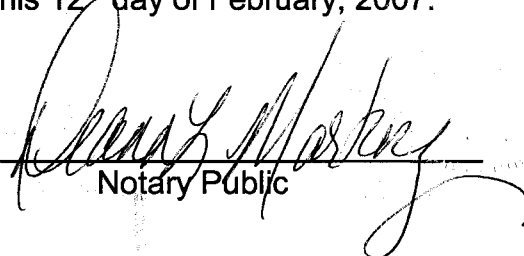
Renee Albersheim, of lawful age being first duly sworn, deposes and states:

1. My name is Renee Albersheim. I am a Staff Witnessing Representative for Qwest Services Corporation in Denver, Colorado. I have caused to be filed written rebuttal testimony in Docket Nos. T-03406A-06-0257 and T-01051B-06-0257.
2. I hereby swear and affirm that my answers contained in the attached testimony to the questions therein propounded are true and correct to the best of my knowledge and belief.

Further affiant sayeth not.


Renee Albersheim

SUBSCRIBED AND SWORN to before me this 12th day of February, 2007.


Notary Public

My Commission Expires:

8/21/07

BEFORE THE ARIZONA CORPORATION COMMISSION

JEFF HATCH-MILLER
Chairman

WILLIAM MUNDELL
Commissioner

MIKE GLEASON
Commissioner

KRISTIN MAYES
Commissioner

GARY PIERCE
Commissioner

**IN THE MATTER OF THE COMPLAINT OF
ESCHELON TELECOM OF ARIZONA, INC.
AGAINST QWEST CORPORATION**

) **DOCKET NO. T-03406A-06-0257**
) **DOCKET NO. T-01051B-06-0257**
)

REBUTTAL TESTIMONY

OF

JEAN NOVAK

ON BEHALF OF

QWEST CORPORATION

FEBRUARY 13, 2007

Public Version

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1 I. IDENTIFICATION OF WITNESS

2 Q. PLEASE STATE YOUR NAME, OCCUPATION AND BUSINESS ADDRESS.

3 A. My name is Jean Novak. My business address is 107 N. 15th Ave, Virginia, MN.
4 I am currently employed by Qwest Services Corporation ("Qwest") as a Regional
5 Service Director. I have been employed by Qwest for 21 years, and have been
6 working in the telecommunications industry for 23 years. I hold a Certificate of
7 Computer Programming from Globe Business College.

8 Q. ARE YOU THE SAME JEAN NOVAK THAT FILED DIRECT TESTIMONY ON
9 AUGUST 28, 2006 IN THIS CASE?

10 A. Yes, I am.

11 II. PURPOSE OF TESTIMONY

12 Q. PLEASE STATE FOR THE COMMISSION YOUR REASON FOR FILING THIS
13 TESTIMONY.

14 A. I am responding to the assertions on page 25 of Ms. Pamela Genung's Direct
15 Testimony, which states:

16 The customer's expedite order referenced in this complaint
17 definitely falls under the conditions where the end-user is
18 completely out of service (primary line). Due to the nature of the
19 customer, the order could also be classified as a medical
20 emergency.

21 These assertions are inaccurate. The DS1 Capable Loop order that Eschelon
22 sought to expedite in March 2006 did not qualify as an emergency condition of
23 any kind.

1 III. REBUTTAL OF STAFF WITNESS PAMELA GENUNG

2 Q. PLEASE DESCRIBE WHY THE ORDER REFERENCED IN THE COMPLAINT
3 DID NOT CONCERN "CONDITIONS WHERE YOUR END-USER CUSTOMER
4 IS COMPLETELY OUT OF SERVICE (PRIMARY LINE)".

5 A. One of the emergency conditions justifying an "Expedite Requiring Approval" for
6 POTS services is "conditions where your end-user customer is completely out of
7 service (primary line)." *See Exhibit JN-R1.*

8 The customer referenced in Eschelon's Complaint did not satisfy this criterion
9 under any circumstances. I have verified that the customer in question had
10 several working lines to its location even after Eschelon disconnected the DS1
11 Capable Loop in error. As I explained in response to Eschelon Interrogatory No.
12 3-1:

13 I . . . reviewed all the working services at the "named customer"
14 address. I verified in the Qwest inventory system that the services
15 were still active, verified the customer of record was Eschelon, and
16 the addresses for the A and Z location and type of service. I then
17 pulled the circuit history in CEMR and was able to determine the
18 order number and date the service was installed. During this
19 research, I verified that there was additional service working at the
20 "named customer's" address and Eschelon was the customer of
21 record.

22 *See Confidential Exhibit JN-R2* Thus, it is erroneous to assert that the
23 customer's primary line was completely out of service.

24 Q. PLEASE DESCRIBE WHY THE ORDER REFERENCED IN THE COMPLAINT
25 DID NOT CONCERN A "MEDICAL EMERGENCY".

26 A. One of the emergency conditions justifying an "Expedite Requiring Approval" for
27 POTS services is a "Medical Emergency." *See Exhibit JN-R1.* As I stated
28 above, in her Direct Testimony, Ms. Genung postulates that the request for an

1 expedite for the order at issue for the customer would have been justified as a
2 medical emergency. But this customer could not have satisfied the medical
3 emergency criterion either.

4 First of all, the purpose of the medical emergency criterion is to ensure the
5 customer has 911 service. Here, as I explained in response to Eschelon
6 Interrogatory No. 3-2, Qwest personnel interviewed the customer and learned
7 that the customer had 911 service at all times, that the customer had distributed
8 a memo about its existing 911 service, and that the customer had then used the
9 911 service when the DS1 Capable Loop was out of service:

10 [Eschelon's disconnect in error occurred when] The "named
11 customer" was in the process of disconnecting line "480-xxx-xxxx"
12 based on an order from Tim Owen. However, instead of
13 disconnecting the one line, Eschelon disconnected the "named
14 customer" T-1 instead. Eschelon claimed an employee in training
15 was the cause of the improper disconnect. The "named customer"
16 complained to Eschelon. Eschelon eventually informed the "named
17 customer" that the problem was due to an error by Eschelon.

18 The "named customer" personnel explained that they have
19 approximately 3000 clients and about one to two 911 calls per
20 month. During the outage, the "named customer" distributed a
21 memo identifying the additional phone lines on its campus where
22 911 calls could be made. During the time when service was out,
23 the "named customer" has a client with heart distress. Based on
24 the memo, one of the existing phone lines was used to make a 911
25 call, and everything worked out well.

26 The "named customer" personnel also stated that they created a
27 memo concerning the subject at the request of Eschelon. The
28 "named customer" personnel stated that they knew Qwest was
29 following procedures, but were never informed that Qwest's
30 procedures would have allowed their original service to be restored
31 by paying a \$200 per day expedite fee. "Named customer"
32 personnel stated this is a fact they would have liked to have known.

33 **See Confidential Exhibit JN-R3** Thus, the customer at issue did not qualify for
34 an expedite based on a medical emergency.

1 Second, in order for a CLEC to claim a medical emergency exists, the CLEC
2 generally provides Qwest with a doctor's written verification of the condition.
3 Eschelon did not forward valid verification to Qwest as part of the expedite
4 request at issue here.

5 **Q. MS. GENUNG SUGGESTS THAT THE REQUEST FOR AN EXPEDITE AT**
6 **ISSUE HERE QUALIFIED AS A MEDICAL EMERGENCY "DUE TO THE**
7 **NATURE OF THE CUSTOMER." DO YOU AGREE?**

8 A. Ms. Genung seems to suggest that the customer at issue qualifies for a "medical
9 emergency" expedite simply due to the nature of its business. Much of the
10 customer's business is discussed in the attached exhibit, which comes directly
11 from its web-page. **See Confidential Exhibit JN-R4.** Many of the services the
12 customer provides are related to adult day-care and a work environment that
13 allows adults "with developmental, physical and mental disabilities" to be
14 productive. The work performed by this customer is certainly to be commended;
15 however, even it recognizes that the need for 911 services is a rare situation.
16 During Qwest's interview of the customer, the customer stated that it has one to
17 two 911 calls per month for its 3000 customers. Published information from the
18 ALI (911) database shows that a 911 call is received on about 3.7% of wireline
19 access lines each month. When the DS1 Capable Loop is in place, the customer
20 at issue has over 100 access lines at its center. Extrapolating these numbers,
21 one would expect about four calls per month. Despite this, the customer actually
22 had less than that. The data does not show that the customer at issue, just on
23 the basis of the nature of its business, necessarily qualifies as a medical
24 emergency for purposes of expediting an order. Indeed, during Qwest's
25 interview of the customer, it did not claim to be a location justifying a medical
26 emergency.

1 **Q. IN LIGHT OF THESE FACTS, DOES QWEST AGREE WITH STAFF THAT**
2 **QWEST SHOULD CREDIT ESCHELON THE \$1800 EXPDITE FEE FOR THE**
3 **NAMED CUSTOMER?**

4 **A. Absolutely not. Under the historic process, Eschelon would never have obtained**
5 **an expedited due date for the customer at issue. Under the process in place at**
6 **the time Eschelon submitted the order, every high capacity circuit (whether a**
7 **DS1 Capable Loop or equivalent private line) was subject to a \$200/day expedite**
8 **fee. Qwest provisioned the ordered circuit 9 days earlier than the standard**
9 **interval; as such, the Commission should order Eschelon to pay the \$1800 fee.**

10 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

11 **A. Yes, at this time..**

BEFORE THE ARIZONA CORPORATION COMMISSION

JEFF HATCH-MILLER

Chairman

WILLIAM MUNDELL

Commissioner

MIKE GLEASON

Commissioner

KRISTIN MAYES

Commissioner

GARY PIERCE

Commissioner

**IN THE MATTER OF THE COMPLAINT OF
ESCHELON TELECOM OF ARIZONA, INC.
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) **DOCKET NO. T-03406A-06-0257**
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)

EXHIBITS

OF

JEAN NOVAK

ON BEHALF OF

QWEST CORPORATION

FEBRUARY 13, 2006

Expedites and Escalations Overview – V26.0V27.0

History Log (Link italicized text to: Replace Existing Download With Attached History Log)

Introduction

Qwest quickly responds to your escalation or expedite requests offering you clear and complete explanations so you can satisfactorily respond to your end-users.

- Expedites are requests for an improved standard interval that is shorter than the interval defined in our Service Interval Guide (SIG) (Link italicized text to: <http://www.qwest.com/wholesale/guides/sig/index.html>) or your interconnection Agreement (ICA), Individual Case Basis (ICB) or committed to ICB (Ready for Service (RFS) + Interval) date.
- Escalations can be initiated for any issue, at anytime, and at any escalation point. Escalations can also be for requests for status or intervention around a missed date.

The following summarizes the processes used within Qwest for all Wholesale Products and Services to handle expedite and escalation requests.

Expedites

Requesting an expedite follows one of two processes, depending on the product being requested and the language in your Interconnection Agreement (ICA). If the request being expedited is for a product on the list of products in the "Pre-Approved Expedites" (see below) and your ICA has language supporting expedited requests with a "per day" expedite rate, then the requested does not need approval. If the request being expedited is for a product that is not on the defined list, or your ICA does not support a "per day" expedite rate, then the expedited request follows the process defined in the "Expedites Requiring Approval" section below.

Expedites Requiring Approval

For products not listed in the Pre-Approved Expedite section below, (non-designed products such as POTS, Centrex or DSL service), or if your ICA does not contain, or has not been amended to include language for expedites with an associated "per day" expedite rate for those specified designed services, the following expedite process applies. Expedite charges are not applicable with the Expedites Requiring Approval process.

Following is a list of conditions where an expedite is granted:

- Fire
- Flood
- Medical emergency
- National emergency
- Conditions where your end-user is completely out of service (primary line)
- Disconnect in error by Qwest
- Requested service necessary for your end-user's grand opening event delayed for facilities or equipment reasons with a future RFS date
- Delayed orders with a future RFS date that meet any of the above described conditions
- National Security
- Business Classes of Service unable to dial 911 due to previous order activity
- Business Classes of Service where hunting, call forwarding or voice mail features are not working correctly due to previous order activity where the end-users business is being critically affected

For any of the above conditions, expedited request can be made either prior to, or after, submitting your service request.

To request an expedite on a Local Service Request (LSR) you can either:

- Submit the request with your expedited due date and populate the EXP field. Also include in REMARKS the reason for the expedited request and then call the Qwest Call Center.
- Submit the request with a due date interval from our SIG (Link italicized text to: <http://www.qwest.com/wholesale/guides/sig/index.html>) or your ICA and then call the Qwest Call Center.

In both scenarios, a call to the Qwest Call Center is required on 1-888-796-9087 to process the expedited request.

To request an expedite on service requests issued via an Access Service Request (ASR), you may use either of the options described above for LSRs to submit the ASR. You should then call 1 800-244-1271

You may be asked to provide verification of the expedited reason or situation for any of the expedite reasons listed above. In some cases, you may be asked for the service order number that caused the expedite condition, such as the service order number that caused the hunting or call forwarding expedite. The type of verification required will depend on the specific circumstances of the expedite and will be determined on an Individual Case Basis (ICB).

Once your expedite request is received, your Wholesale representative will review the request based on the previous list of available expedite scenarios to determine if the request is eligible for an expedite. If approved, the next step is to contact our Network organization to determine resource availability.

Depending on the type of service on the account, the following action is taken once the request is determined to be eligible for an expedited due date:

Non-Designed/No Dispatch Required

For requests that do not require a dispatch, the order is issued with the expedited due date.

Non-Designed/Dispatch Required

For requests that require a dispatch, the Network organization is contacted to determine Technician availability. If appointments are available on the requested due date, your expedite is granted. If no appointments are available, then Qwest will offer an alternative date, if one is available, prior to the requested due date. You can expect to receive a response to your expedited request usually within four business hours.

Designed Services

For Designed Services, the Network organization is contacted to determine resource availability for the Central Office and Outside Technicians as well as for the Testers that work with you to accept the service. You can expect to receive a response usually within four business hours.

Approved Expedited Requests

If the expedited request is approved and the original request contained the expedited due date and the EXP field was populated, Qwest will return a Firm Order Confirmation (FOC) acknowledging the agreed to expedited due date. If the expedited or agreed to due date is different from what was originally submitted on the ASR or LSR, Qwest will contact you and request that you supplement your request with the agreed to expedited date. The EXP field on the supplement ASR or LSR must also be populated. If the supplement is not received within

four business hours, Qwest will continue to process the ASR or LSR as if the expedited request was not received and will FOC back the standard interval or the original due date provided on the ASR or LSR if it was longer than the standard interval.

Denied Expedited Requests

If denied, then we will provide you reasons that the request was denied or we will offer an alternative date that we could install the service. If the request is denied, and you still want to continue to have Qwest provision the service request, Qwest will return a FOC with the standard interval or the original due date provided on the FOC if it was longer than the standard interval.

Pre-Approved Expedites

The Pre-Approved expedite process is available in all states except Washington for the products listed below when your ICA contains language for expedites with an associated per day expedite charge. An expedite charge applies per ASR or LSR for every day that the due date interval is improved, based on the standard interval in the SIG, ICA, or ICB criteria as described above. It is not necessary for you to call into Qwest to have the expedite approved. To expedite a service request on an ASR or LSR you must populate the EXP field and put the desired expedited due date in the DDD field on the ASR or LSR.

NOTE: If you order Resold Design Products, which are identified below, you do not need to sign an amendment. You are automatically included based on the terms and conditions outlined in the ICA and individual state tariffs, catalogs or price lists.

When Qwest receives an ASR or LSR with the EXP populated and the DDD is less than the standard interval, Qwest will determine if the request is eligible for an expedite without a call from you. If the request meets the criteria for the Pre-Approved Expedite process, Qwest will process the request and return a FOC acknowledging the expedited due date. The appropriate expedite charge will be added to your service order.

If the request does not meet the criteria for the Pre-Approved Expedite process, the ASR or LSR will be processed under the guidelines for Expedites Requiring Approval as described above.

Following is a list of the products, which require an amendment and may be expedited that will receive the appropriate Expedite Charge:

- UBL all-except 2w/4w analog
- UBL DID (Unbundled digital trunk)
- UBL DS1 (Unbundled digital trunk facility)
- UNE-C PL (EEL)
- UNE-P ISDN BRI
- UNE-P DSS Facility
- UNE-P DSS Trunk
- UNE-P PRI ISDN Facility
- UNE-P PRI ISDN Trunk
- UNE-P PBX Designed Trunks
- UNE-P PBX DID IN-Only Trunks
- Port In/Port Within associated with any of the applicable designed products listed above
- UDIT
- LIS
- CCSAC SS7 Trunk or Facility
- Unbundled Dark Fiber

Following is a list of Resold Designed Products, which do not require an amendment, which may be expedited and will receive the appropriate expedite charge:

- Analog PBX DID
- Private Line (DS0, DS1, DS3 or above)
- ISDN PRI T1
- ISDN PRI Trunk
- ISDN BRI Trunk
- Frame Relay Trunk
- DESIGNED TRUNKS (Includes designed PBX trunks) Trunk
- MDS / MDSI (IIS Only)
- DPAs (multiple DPAs or FX, FCO) Trunk
- Port In/Port Within associated with any of the applicable designed products listed above

Note: Any requests that are expedited due to a Qwest caused reason, do not incur an expedite charge. Additionally, if the due date of an expedited request is missed due to Qwest reasons, expedite charges do not apply.

If the order becomes a Delayed Order on the due date, Qwest will cooperatively work with you to obtain the best Ready For Service date (RFS) possible and expedite charges do not apply.

If an order becomes delayed for facilities prior to the due date, once Qwest establishes a new RFS it is communicated to you via the FOC. If you do not accept the due date that is established and request to expedite the RFS, expedite charges may apply. Each expedited delayed order request will be reviewed on an ICB to determine if expedite charges apply. If the expedited due date request results in Qwest incurring additional costs to improve the date that was FOC'd, expedite charges apply. Qwest will advise you if expedite charges apply prior to confirming the expedited request to obtain approval from you, or offer an alternate date that Qwest can meet. The expedite charges will be based on the number of days improved from the original RFS date.

Expedites Supporting Non-Qwest caused Restoral Requests

This process includes Restoral Requests on Resale/UNE-P/Retail to Resale or UNE-P Conversions and Transfer of Service when the service orders have completed. This process applies to Resale/UNE-P POTS, Resale/UNE-S and Resale UNE-P Centrex 21 products, including DSL.

You will follow this documented **Expedite** process as outlined when you require an expedite to a standard interval in order to restore an end-user due to a Non-Qwest caused out of service condition. An expedite restoral request is a result of your inability to complete a conversion or outside move service request where you were unable to cancel or change the due date on the service order(s) prior to order completion. Restoral requests may involve you alone, a Qwest Retail account and you, or you and a different CLEC on conversion and outside move (T & F) type service order's. Restoral requests will be accepted for both full and partial restorals.

When an expedite restoral request situation occurs, refer to the following when you prepare your service request:

- Issue the Restoral Request LSR as directed per the Decision Charts and order type scenario's.
 - Populate the RPON field with the PON used on the original LSR if available
 - Populate the EXP field
 - Populate Manual IND = Y
 - The REMARKS field can be populated with the specific reason for the request such as:

- Restoral request Full, Resale to UNE-P conv, restore original service, Or
- Restoral request, Partial, Resale to UNE-P conv, restore original service, Or
- Restoral request, Partial, UNE-P to Resale conv, restore original service, Or
- Restoral request, Full, Resale or UNE-P T&F, restore F location, etc., Or
- Restoral Request, Restore original full service back to CLEC XXXX, Or
- Restoral Request, Restore original partial service back to CLEC XXXX, Or
- Restoral Request, Restore original F Loc service, full/partial back to old CLEC
- Restoral Request, Disc service, restore original Retail service, full/partial
- Contact the Wholesale Interconnect Services Center (ISC) at 888 796-9087
- Open an Escalation ticket.
- Request a Warm Transfer to the Customer Service Inquiry and Education Center (CSIE) Tier 1 support group.
- Request a Restoral Request for Previous Service.
- Provide LSR ID if appropriate per Decision Chart and order type scenario's.

Benefits

- Expedited intervals for restoral of previous service
- Uniform documented process for restoral requests
- Qwest will negate the one month minimum billing on a disconnect or conversion service order as applicable.

Restrictions

- You must issue appropriate LSRs first (if directed to do so per the Decision Chart below) followed by opening a Call Center escalation ticket. Restoral requests received prior to new LSR issuance will not be accepted, excludes Qwest Retail restorals.
- Standard intervals must be used when submitting LSRs, CSIE will expedite due date appropriately for restoral
- Expedited restoral requests must be requested within 24 hours, extending into the next business day, following the LSR completion date. Restoral requests received after 3 PM will be considered next business day work activity; this includes restoral requests received after 3 PM on Saturday based on the SIG (except for DSL)."
- Service being restored must be the same type of service with same features, same TN's, etc. as was previously provisioned. Full or partial restorals are acceptable.
- Qwest will reuse facilities when the facilities are available for the restoral.
- All applicable recurring and non-recurring charges will apply, based on order completion and physical work that was completed or needs to be completed to restore service. Retail practices will apply when restoring Qwest Retail accounts.
- When a restoral involves two CLECs, it is up to you and the old CLEC to coordinate and agree upon an expedite, prior to opening up the Call Center Escalation ticket(s).
- Expedite charges may apply based upon individual interconnection agreements, state tariffs or SGATS.

The following **Order Type Scenario's** are included in this restoral process:

1. Resale / UNE-P T & F, same CLEC
2. Resale to UNE-P Conversion as is, same CLEC
3. Resale to UNE-P Conversion as specified, same CLEC
4. UNE-P to Resale Conversion as is, same CLEC
5. UNE-P to Resale Conversion as specified, same CLEC
6. Resale / UNE-P Migration to new CLEC with move via single LSR
7. Resale to UNE-P Conversion as is, to a new CLEC
8. Resale to UNE-P Conversion as specified, to a new CLEC
9. UNE-P to Resale Conversion as is, to a new CLEC
10. UNE-P to Resale Conversion as is, to a new CLEC
11. Qwest Retail to Resale / UNE-P Conversion as is
12. Qwest Retail to Resale / UNE-P Conversion as specified

13. Qwest Retail to Resale / UNE-P Conversion with move via single LSR process

Decision Chart, Scenario's 1-5, Same CLEC		
IF	AND	THEN
Conversion, Migration and/or Move Service Order has completed	You want full or partial restoral of previous service	<ul style="list-style-type: none"> Issue Restoral Request LSR as appropriate based on order scenario and order completion, such as a New Connect, Change or Conversion with or without move, Transfer of Service or Disconnect Follow expedite procedures

Decision Chart, Scenario's 6-10, To a New CLEC		
IF	AND	THEN
Conversion, Migration and/or Move Service Order has completed	You want full or partial restoral of previous service	<ul style="list-style-type: none"> Either the end-user, or the new CLEC and the end-user must contact the old CLEC's Customer Contact Center and request that the end-user's service be re-established as previously provisioned for the old CLEC on Resale or UNE-P service Old CLEC must follow expedite procedures Old CLEC will issue Restoral Request LSR as appropriate based on order scenario and order completion, such as a New Connect, Change or Conversion with or without move New CLEC must follow expedite procedures New CLEC will issue Disconnect LSR if required based on order scenario and order completion Old and new CLECs will coordinate their order activity Contact your Qwest Service Manager if you require assistance with old CLEC contact

Decision Chart, Scenario's 11-13, Conversion from Qwest Retail to New CLEC		
IF	AND	THEN

Conversion, Migration and/or Move Service Order has Completed	You want full or partial restoral of previous service	<ul style="list-style-type: none"> • Contact the Wholesale ISC Call Center at 888 796-9087 • Open an Escalation ticket • Request a warm transfer to the CSIE Tier 1 support group • Place a verbal Restoral Request for Previous Retail Service, full or partial restoral • CSIE will advise you if a new LSR will need to be issued by you • If a new LSR is needed and is not issued within 2 business hours, the escalation ticket will be closed. If this occurs, the CLEC must start the expedite process again once the LSR has been issued as directed.
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Escalations

Escalations are a request for status or intervention around a missed critical date such as:

- Plant Test Date (PTD)
- Due Date (DD)
- Ready For Service (RFS)

Qwest's Service Centers pro-actively escalate any critical dates in jeopardy and will notify you. If, however, you find it necessary to initiate an escalation, call the assigned Qwest Wholesale Center Representative at one of the numbers listed in the Expedites section for assistance. Regardless of how initiated, by you or internally, Qwest escalation roles and responsibilities can be summarized as:

- Qwest Wholesale Center Representatives
Local Service Request (LSR) or Access Service Request (ASR) escalations related to Rejects/Delayed orders, critical dates and Firm Order Confirmations (FOC).
- Qwest Service Manager
Involved only after normal processes fail to resolve the escalation to your satisfaction. Evaluates the situation based on commitments managing associated resolution activities.
- Qwest Senior Service Manager/Director
Involved only when the Service Manager's efforts are unsuccessful. Provides direction to those working the issue, partnering with Center Coaches and Team leaders.
- Qwest Senior Service Director/Vice President
Contacted for direction and/or assistance for those working the escalation, providing timely status updates back to the prior level and you directly.

Escalations – Maintenance and Repair

At your discretion, you may initiate an escalation of your trouble report through our electronic interface Customer Electronic Maintenance and Repair (CEMR) or by calling either the Account

Maintenance Support Center (AMSC) for Unbundled Network Elements (UNEs) and Complex services or the Repair Call Handling Center (RCHC) for Plain Old Telephone Service (POTS) and Non-Complex services. Refer to our Maintenance and Repair Overview (Link italicized text to: <http://www.qwest.com/wholesale/clecs/maintenance.html>) for additional information. You will be referred to Held, Escalated & Expedited Tool (HEET) (Link italicized text to: <http://www.qwest.com/wholesale/systems/heet.html>) for ongoing status if your service was requested on an ASR.

Escalations – Technical Escalation Process

Additional information about the Technical Escalation Process can be obtained from Qwest's Operations Support Systems General Information. (Link italicized text to: <http://www.qwest.com/wholesale/systems/generalinfo.html>)

Note: Occasionally, your end-user may find their way to the Qwest Wholesale Center or Qwest Service Manager and our Wholesale Center Representatives will explain that you are our customer and direct them to you for assistance.

Should you have questions, or need additional information related to the expedite or escalation processes defined above, contact your Qwest Service Manager (Link italicized text to: <http://www.qwest.com/wholesale/clecs/accountmanagers.html>) for assistance.

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Training

Qwest 101 "Doing Business With Qwest"

This introductory instructor-led training course is designed to teach the CLEC and Reseller how to do business with Qwest. It will provide a general overview of products and services, Qwest billing and support systems, processes for submitting service requests, reports, and web resource access information. Click here (Link italicized text to: http://www.qwest.com/wholesale/training/ilt_desc_qwest_101.html) for course detail and registration information.

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Contacts

Qwest contact information is located in Wholesale Customer Contacts. (List italicized text to: <http://www.qwest.com/wholesale/clecs/escalations.html>)

Expedites and Escalations

- Local Service Requests (LSRs)

Wholesale Center			
Tier	Responsibility	Activity	Contacts
Tier 0	Interconnect Service Center (ISC)	First point of contact for CLECs Ticket opened	888-796-9087
Tier 1	Customer Service Inquiry and Education Center (CSIE)	Respond to issues not resolved at Tier 0	888-796-9087
Tier 2	Subject Matter Expert (SME), Team Leaders, Team Coaches	Respond to issues not resolved at Tier 1	800-366-9974
Tier 3	Appropriate Qwest Service	Respond to issues not	Service Manager

	Manager	resolved at Tier 2	(Link italicized text to: http://www.qwest.com/wholesale/clecs/accountholders.html)
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NOTE: The Interconnect Service Center (ISC) will not be available for transfers after 8:00 PM Mountain Time Monday through Friday and transfers will not be available on Saturday. Qwest's Service center is available to assist with your needs and, if additional assistance is required you will be transferred to the customer Service Inquiry and Education (CSIE) Center until 8:00 PM MTN Time Monday – Friday. If additional assistance is required after 8:00 PM or on Saturday, Qwest will coordinate a call back or provide additional assistance as needed.

A call center ticket is opened on every call into the ISC or the CSIE Center. Upon resolution of the ticket a close code is assigned to the ticket. Upon request the close code is provided to you. Should you disagree with the codes used to close the ticket you will use the escalation process. For a list of the close codes used at the CSIE level see the Call Center Database Ticket Reports section of the Ordering Overview PCAT_ (Link italicized text to: <http://www.qwest.com/wholesale/clecs/ordering.html>).

- Access Service Requests (ASRs)

	Products & Services	Contacts	Fax
	All	800-244-1271	515-286-6160

- Non ASR/LSRs

	Products & Services	Contacts	Fax
	All	800-244-1271	515-286-6160

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Frequently Asked Questions

This section is currently being compiled based on your feedback.

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Last Update: July 18, 2005 October 27, 2005

META Tags: Expedites; Escalations

Arizona
T-03406A-06-0257/T-01051B-06-0257
ESCH 03-001

INTERVENOR: Eschelon Telecom of Arizona, Inc.

REQUEST NO: 001

At page 13, line 18, of her Direct Testimony, Ms. Novak states that she "performed some research." Please:

- a. Describe in detail the research that Ms. Novak, and any other agent or representative of Qwest, performed, including the results of that research;
- b. Identify each person that participated in the research and each person that Ms. Novak, or any other agent or representative of Qwest, communicated with in connection with performing the research;
- c. Identify each document that Ms. Novak, or any other agent or representative of Qwest, prepared or reviewed in connection with performing the research;
- d. Identify each document that evidences, refers or relates to the research.

RESPONSE:

REDACTED

Arizona
T-03406A-06-0257/T-01051B-06-0257
ESCH 03-002

INTERVENOR: Eschelon Telecom of Arizona, Inc.

REQUEST NO: 002

At page 13, lines 22-23, of her Direct Testimony, Ms. Novak refers to "an interview with personnel at [the rehabilitation center referred to in Eschelon's complaint]". With respect to any interview referred to by Ms. Novak in this testimony, or conducted by any agent or representative of Qwest referring or relating to the allegations in the Complaint, with the rehabilitation center referred to in Eschelon's complaint, please:

- a. State the date of each such interview;
- b. Identify each person present at the interview;
- c. State whether the interview was conducted in person or telephonically;
- d. Describe in detail what was said during the interview;
- e. Identify any documents the evidence, record, summarize, refer or relate to communications that took place during the interview, including, without limitation, any notes taken during or after the interview, any memoranda documenting or summarizing the interview, and any audio or video recording of the interview.

RESPONSE:

REDACTED

CONFIDENTIAL

Arizona Corporation Commission
Docket No. T-03406-A-06-0257
Docket No. T-01051B-06-0257
Qwest Corporatino – Confidential Exhibit JN-R4
Rebuttal Exhibits of Jean Novak
February 13, 2007

REDACTED

BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF ESCHELON TELECOM
OF ARIZONA, INC.

Complainant,

vs

QWEST CORPORATION

Respondent.

STATE OF MINNESOTA
COUNTY OF ST. LOUIS

DOCKET NO. T-03406A-06-0257
T-01051B-06-0257

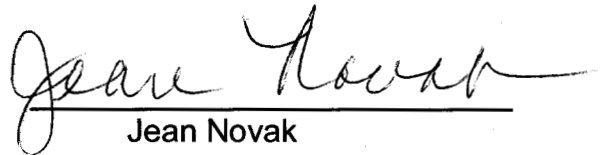
AFFIDAVIT OF
JEAN NOVAK

SS

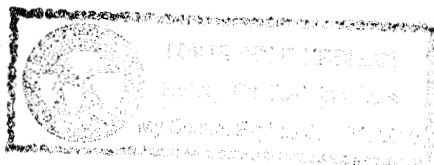
Jean Novak, of lawful age being first duly sworn, deposes and states:

1. My name is Jean Novak. I am Regional Service Director – Wholesale Markets for Qwest Services Corporation in Virginia, Minnesota. I have caused to be filed written rebuttal testimony in Docket Nos. T-03406A-06-0257 and T-01051B-06-0257.
2. I hereby swear and affirm that my answers contained in the attached testimony to the questions therein propounded are true and correct to the best of my knowledge and belief.

Further affiant sayeth not.


Jean Novak

SUBSCRIBED AND SWORN to before me this 12th day of February, 2007.




Notary Public

My Commission Expires: 1-31-2010

BEFORE THE ARIZONA CORPORATION COMMISSION

JEFF HATCH-MILLER
Chairman
WILLIAM MUNDELL
Commissioner
MIKE GLEASON
Commissioner
KRISTIN MAYES
Commissioner
GARY PIERCE
Commissioner

**IN THE MATTER OF THE COMPLAINT OF
ESCHELON TELECOM OF ARIZONA, INC.
AGAINST QWEST CORPORATION**

DOCKET NO.

**T-03406A-06-0257
T-01051B-06-0257**

REBUTTAL TESTIMONY

OF

TERESA K. MILLION

ON BEHALF OF

QWEST CORPORATION

FEBRUARY 13, 2007

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I. IDENTIFICATION OF WITNESS

Q. PLEASE STATE YOUR NAME, BUSINESS ADDRESS AND POSITION WITH QWEST.

A. My name is Teresa K. Million. I am employed by Qwest Services Corporation, parent company of Qwest Corporation ("Qwest"), as a Staff Director in the Public Policy organization. In this position, I am responsible for directing the preparation of cost studies and representing Qwest's costs in a variety of regulatory proceedings. My business address is 1801 California St., Room 4700, Denver, Colorado.

Q. ARE YOU THE SAME TERESA MILLION WHO FILED DIRECT TESTIMONY IN THIS PROCEEDING?

A. Yes, I am.

II. PURPOSE OF TESTIMONY

Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?

A. The purpose of my testimony is to comment on the direct testimony of Staff witness, Pamela Genung, and explain why Qwest is not required to seek Commission approval of the fee associated with expedited orders in a cost docket nor is the fee required to be priced on a cost basis. Further, I discuss the appropriate basis for the \$200 per day Expedited Order Charge.

III. RESPONSE TO MS. GENUNG

Q. PLEASE SUMMARIZE THE DISCUSSION AND POINTS CONTAINED IN MS. GENUNG'S DIRECT TESTIMONY.

A. Ms. Genung's testimony begins by providing a detailed chronology and description of the situation that led to the filing of this complaint by Eschelon. She then discusses her understanding of the Qwest-Eschelon Interconnection Agreement, the Change Management Process (CMP), and the relationship between the two. Ms. Genung goes on to discuss the relationship between the CMP and Qwest's Product Catalog (PCAT) and provides an analysis of the issues, her conclusion and recommendations.

Q. IS THERE ANYWHERE IN MS. GENUNG'S TESTIMONY WHERE SHE DISCUSSES COST PRINCIPLES, THE FCC'S TELRIC COSTING RULES OR THE APPLICABILITY OF THOSE RULES TO THE EXPEDITE ORDER CHARGE?

A. No. That is why I find her recommendation that the "...rate(s) for expedites be considered as part of the next cost docket"¹ so curious. Without any discussion of the costing and pricing rules, without even mentioning the parties' positions on the applicability of those rules and without any justification for her conclusion, Ms. Genung simply recommends that the expedite charge be examined in a wholesale cost docket. So without providing any grounds for such a conclusion,

¹ Genung Direct testimony, pg. 40.

1 Ms. Genung has evidently decided that the expedite charge is not only subject to
2 this Commission's jurisdiction under Section 251, but that it is also subject to the
3 FCC's TELRIC rules.

4 **Q. WHY ISN'T A COST DOCKET THE APPROPRIATE PLACE FOR**
5 **DETERMINING THE PRICE FOR EXPEDITING AN ORDER FOR AN**
6 **UNBUNDLED NETWORK ELEMENT?**

7 A. As I explained in my direct testimony, the application of TELRIC pricing is limited
8 to Section 251 UNEs. The only pricing authority the Act confers upon state
9 commissions is that set forth in Section 252(c)(2), which directs states to set
10 prices *in the exercise of their Section 252 arbitration authority* for interconnection
11 services and UNEs that ILECs provide under Sections 251(c)(2) and (c)(3).
12 Section 252(c)(2) provides specifically that in exercising their arbitration authority
13 states shall determine "the just and reasonable rate for the interconnection of
14 facilities and equipment for purposes of subsection [251(c)(2)] . . . [and] for
15 network elements for purposes of subsection [251(c)(3)]."² As shown by this
16 language, nothing in this section gives states pricing authority over superior
17 services. In fact, nowhere in Section 251 is there a requirement for ILECs to
18 provide CLECs with superior service. Both Ms. Albersheim and I provided
19 significant discussion in our direct testimonies about why expedited orders
20 should be considered superior services. Furthermore, when the FCC tried

² 47 U.S.C. § 252(d)(1).

1 initially to interpret the Section 251(c)(3) requirement to provide
2 nondiscriminatory access to UNEs as requiring ILECs to provide superior service
3 the Eighth Circuit struck this language down as violating the Act. As I pointed out
4 in my direct testimony, that portion of the Eighth Circuit's decision was never
5 disturbed by the United States Supreme Court.³ In fact, the Florida Commission
6 articulated this point clearly when it said:

7 It is clear there is no obligation imposed or implied in Rule 51.311(b) that
8 an incumbent render services to a CLEC superior in quality to those
9 provided to a retail customer requesting similar services. So long as rates
10 are identical for all requesting parties, CLEC and retail alike, parity exists
11 in the provisioning structure for service expedites, and there is no conflict
12 with Rule 51.311(b). We reiterate that current regulations do not compel
13 an ILEC to provide CLECs with access superior in quality to that supplied
14 to its own retail customers.⁴

15 Thus, because the Commission's authority to apply TELRIC pricing is limited to
16 Section 251 services and elements under the Act, and the service of expediting
17 orders is a superior service not required by Section 251, it is inappropriate for
18 Ms. Genung to conclude that the rate for the expedite charge should be
19 determined in a cost docket, just as it would be inappropriate for this Commission
20 to determine a TELRIC-based price for the Expedited Order charge.

³ See e.g., *Iowa Utilities Board v. AT&T*, 120 F.3d 753, 812-813 (8th Cir. 1997), *aff'd in part and rev'd in part*, 525 U.S. 366, 397 (1999).

⁴ *In re Joint Petition by NewSouth et al.*, 2005 Fla. PUC LEXIS 634 *150, Order No. PSC-05-0975-FOF-TP (Fla. PSC Oct. 11, 2005).

1 **Q. WHY DO YOU BELIEVE THAT TELRIC PRICING DOES NOT APPLY TO**
2 **EXPEDITED ORDERS?**

3 The FCC's list of Section 251 elements is generally limited to those elements and
4 services that are necessary for a CLEC to be able to compete with the ILECs on
5 an equal footing. In cases where the FCC has found that access to a specific
6 element in the ILEC's network is not required, the ILEC is free to negotiate a *non*
7 cost-based rate with the CLECs. In my direct testimony I provided as an
8 example certain of the elements affected by the FCC's Triennial Review Remand
9 Order (TRRO). In the TRRO the FCC determined that the ILECs were no longer
10 required to provide CLECs with access to unbundled switching or shared
11 transport at TELRIC rates, effectively eliminating the Section 251 product that up
12 until then had been referred to as UNE-P. As a result, Qwest negotiated
13 commercial agreements with the CLECs and began offering a non-Section 251
14 product called Qwest Platform Plus (QPP) at a price that combined both TELRIC
15 and non-TELRIC rates.

16 In this case, the service of expediting an order is a superior service because it
17 allows a CLEC to circumvent the standard installation intervals provided for
18 UNEs. Despite the fact that her testimony does not discuss this aspect of
19 expedites, Ms. Genung does point out that "there is no retail analog for expedites
20 of the installation of unbundled loops."⁵ This is because UNEs are *already*

⁵ Genung Direct testimony, pg. 32.

1 *installed on shorter intervals* than Qwest provides for its retail customers,
2 therefore, the expediting of UNE orders cannot be considered a Section 251
3 service. However, the Commission does have jurisdiction generally to determine
4 whether Qwest's other rates, including its wholesale rates, are just and
5 reasonable under the Arizona Price Cap Plan. In fact, the Expedite Order
6 Charge that Qwest uses for its CLEC customers is the same rate and is
7 assessed under the same terms and conditions, as the charge for expedites that
8 currently exists for both Qwest's retail and wholesale customers in Arizona. Ms.
9 Genung acknowledges on page 26 of her direct testimony that allowing Qwest to
10 charge the \$200 per day expedite fee and change the expedite process for
11 CLECs would "be in parity with the rest of Qwest's customer base who order
12 services that follow the designed services flow." The Expedite Order Charge that
13 exists in Qwest's tariffs, including the Access Service Price Cap Tariff and Price
14 List, the Competitive Private Line Transport Services Price Cap Tariff, and the
15 Exchange and Network Services Price Cap Tariff (among others), has already
16 been deemed to be just and reasonable by this Commission's acceptance of it in
17 multiple tariffs under the same terms and conditions for Qwest's other customers.
18 Thus Qwest believes that the Commission has already established the
19 appropriate standard for treating expedited orders for *all* of Qwest's customers,
20 including its CLEC customers and that TELRIC pricing does not apply.

1 **Q. WHAT IS THE APPROPRIATE BASIS FOR THE \$200 EXPEDITED ORDER**
2 **CHARGE?**

3 A. The fee for an expedited order is payment to Qwest for the value of a premium or
4 superior service that it provides to the CLECs and its retail and other wholesale
5 customers, alike. It is not based on cost although Qwest incurs costs to process
6 a request for an expedited order, as well as time and resources to work the order
7 into an existing provisioning schedule, coordinate activities among the several
8 Qwest departments that are involved in the installation process, and
9 communicate with the customer regarding the status of the order. However, the
10 value of an expedited order is the intangible benefit of a superior service
11 provided to the customer by Qwest, i.e. the ability to go to the head of the line
12 and leapfrog over the other customers whose orders are already in queue. If
13 Qwest did not charge its customers for the value they receive in going to the
14 head of the line, it would be unfairly advantaging those customers to the
15 detriment of other customers. By making expedites available to all of its
16 customers, for a fee, every customer has the same ability as every other
17 customer to decide for themselves how important it is to them to expedite their
18 orders. Obviously, it would be physically **impossible** for Qwest to expedite every
19 order. Thus, Qwest sets a price for obtaining superior service that guarantees
20 that only those customers for whom the priority to expedite an order is very high
21 will request the service.

1 **Q. DID YOU PROVIDE AN EXAMPLE IN YOUR DIRECT TESTIMONY THAT**
2 **HELPED TO EXPLAIN THIS CONCEPT?**

3 A. Yes. In my direct testimony I provided the example of ticket prices for concerts to
4 explain the concept. I explained that concerts all have one thing in common;
5 concert-goers pay a premium for seats that are up front and closer to the stage
6 that is higher than what they pay for seats that are in the back and farther away
7 from the stage. This is because, just as in the case of expedited orders, seats
8 that are in the front are more valuable than seats in the back of the concert hall.
9 And, just like expedites, it would be physically impossible to allow all of the
10 concert-goers to sit up front, therefore, ticket prices are differentiated so that
11 front-row tickets are priced at a significant premium and seats at the back of the
12 concert hall are typically referred to as the "cheap seats." Yet, it does not cost
13 any more to produce a show for the people in the front row than it does to
14 produce a show for the people in the last row. Still, some concert-goers are
15 willing to pay the higher price because they perceive enough value in being close
16 to the stage to make it worth paying the premium fee. Other concert-goers are
17 willing to sit farther away to pay a lower price. The same is true of expedite
18 charges; some customers, including CLECs, are willing to pay a premium in
19 order to receive what they perceive to be the superior service of shortening their
20 installation interval and moving to the head of the line. Other CLECs are
21 satisfied to accept the standard installation interval and forego paying the
22 additional fee. Each CLEC makes the choice to pay the fee or not on the basis

1 of the perceived value to their business to expedite orders. This is no different
2 than the decision process that Qwest's retail and other wholesale customers go
3 through when they determine whether or not to pay the \$200 per day fee to
4 expedite their installation orders.

5 **Q. WHAT CONCLUSION SHOULD THE COMMISSION DRAW FROM YOUR**
6 **TESTIMONY?**

7 A. Unlike Ms. Genung, my testimony provides discussion of the FCC's pricing
8 requirements as well as facts and sound reasoning for concluding that those
9 requirements do not apply to the rates for expediting orders. Ms. Genung's
10 testimony, on the other hand, provides no discussion whatsoever of pricing
11 requirements or how to consider them in the context of the Expedite Order
12 Charge. In fact, without any analysis at all she simply recommends at the end of
13 her testimony that the expedite charges be considered as part of the next cost
14 docket. This conclusion is inappropriate, not supported, and should be
15 disregarded by the Commission. Qwest has provided evidence that shows,
16 contrary to Ms. Genung's recommendation, that there is no basis for pricing
17 expedites for CLECs at TELRIC when a tariff has already been established for
18 that purpose.

19 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

20 A. Yes, it does.

BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF ESCHELON TELECOM
OF ARIZONA, INC.

Complainant,

vs

QWEST CORPORATION

Respondent.

STATE OF COLORADO
COUNTY OF DENVER

DOCKET NO. T-03406A-06-0257
T-01051B-06-0257

AFFIDAVIT OF
TERESA K. MILLION

SS

Teresa K. Million, of lawful age being first duly sworn, deposes and states:

1. My name is Teresa K. Million. I am a Staff Director – Public Policy for Qwest Services Corporation in Denver, Colorado. I have caused to be filed written rebuttal testimony in Docket Nos. T-03406A-06-0257 and T-01051B-06-0257.
2. I hereby swear and affirm that my answers contained in the attached testimony to the questions therein propounded are true and correct to the best of my knowledge and belief.

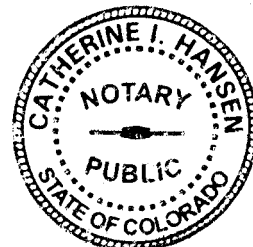
Further affiant sayeth not.

Teresa K. Million
Teresa K. Million

SUBSCRIBED AND SWORN to before me this 12th day of February, 2007.

Catherine I. Hansen
Notary Public

My Commission Expires: _____



My Commission Expires July 25, 2008